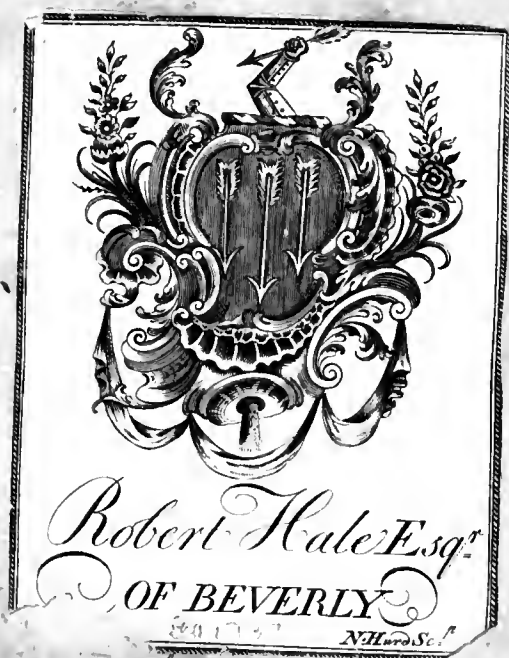





~~\$ 3.00~~  
Dr. Bowel - was an eminent civilian of his  
day Regius Prof. of Civil Law at Cambridge  
Chancellor of Trinity Hall & Vicar general  
to the Bp of Canterbury —







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Arch Hales 1737

A  
**LAW Dictionary:**  
OR THE  
**INTERPRETER**  
OF  
**WORDS and TERMS,**  
Used either in the  
**Common or Statute Laws**  
OF  
**GREAT BRITAIN,**  
AND IN  
**Tenures and Jocular Customs:**

First Published by the Learned Dr. COWEL, and in  
this Edition very much Augmented and Improved, by the Addition  
of many Thousand Words, found in our Histories, Antiquities,  
Cartularies, Rolls, Registers, and other Manuscript Records.

WITH AN  
**APPENDIX,**  
Containing Two TABLES; one of the antient Names  
of Places in *Great Britain*, and the other of the antient Surnames;  
Both of them very necessary for the Use of all such, as converse with  
antient Deeds, Charters, &c.

In the SAVOY:  
Printed by E. and R. NUTT, and R. GOSLING, (Assigns of E. Sayer, Esq;)  
for J. Walthoe, B. Lintot, R. Gosling, W. Mears, W.  
and J. Innys, J. Osborn, C. Woodward, J. Clay, R.  
Williamson, A Ward and D. Browne. MDCCXXVII.

1737

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under mon King Parl subsidy Pharo  
where we are laid down doctrine, or  
principles subversive of the liberties  
of the subject —

see 1 Kent's Comm 2d ed n 508

see Brog of eminent Lawyers 412 notes 10 p 40

see 2 Rap Eng 176 n 6

see It Law & Lawyers 1841 p 184 n \*

JUL 15 1911

# T H E P R E F A C E.

**T**HERE is only this Justice due to the Reader, to give a plain Account of the first Author, and of the present Improvements of this Work.

The first Author was Dr. John Cowel, born in Devonshire, (a) and bred at Eaton School, where by good Parts and agreeable Industry, he distinguished himself from other Boys, and appeared worthy to be elected a Scholar of King's College in Cambridge, 1570. possibly committed to the Tuition of his Name-sake and Relation John Cowel, Fellow of that House, who had been one of the University Proctors in the Year 1561. (b) Our Author seems here to have applied himself heartily to Books, and a good Digestion of them. By which studious and virtuous Course of Life, he grew up to so much Reputation and Interest in the University, that he had the Honour to be chose one of the Proctors for the Year 1585. And having past the two Degrees in Arts, he applied himself to the Study of the Civil Law, by the Advice and Importunity of that eminent and active Prelate Richard Bancroft, then Bishop of London; (c) who had Judgment to find the Genius of our Author, and knew the great Necessity our Church was in, to have Men of Abilities and Integrity in that Profession. Being regularly admitted to the Degree of Doctor of Laws in his own University; he made a Visit to Oxford in the Year 1600, where he was incorporated by the same honourable Title LL. D. (d) His Reputation was now so established, that the Government thought it Justice to prefer him: He was made the King's Majesty's Professor of the Civil Law in the University of Cambridge; and near the same Time Master of Trinity-Hall; which two Stations in that Place of Residence, had as much Honour and Profit, as were possible to be there bestowed on a Man of that Profession. He executed the Office of Vice-Chancellor of Cambridge 1603, 1604.

His chief Patron Bishop Bancroft was advanced to the See of Canterbury in Decemb. 1604. where projecting many Things for the Interest and Honour of the Church and State, he knew the greatest Art in promoting publick Service, was to employ Men in their own Way. Upon this Motive, he solicited Dr. Cowel (e) to shew himself an Antiquary, and an useful Man, by giving the Interpretation of such Words and Terms, as created most Difficulty to the Students of our Ecclesiastical, Civil, and Common Laws.

The Doctor would not dispute the Archbishop's Authority, nor excuse himself from serving the Publick: And therefore fell upon the Work with so much Edge and Application, that in proper Time he put his Collections into fit Method, and published them in Quarto at Cambridge under this Title:

The Interpreter, or Book containing the Signification of Words: Wherein is set forth the true Meaning of all, or the most Part of such Words and Terms, as are mentioned in the Law Writers, or Statutes of this Victorious and Renowned Kingdom, requiring any Exposition or Interpretation. A Work not only

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only Profitable, but Necessary for such as desire throughly to be instructed in the Knowledge of our Laws, Statutes, or other Antiquities. Collected by *John Cowel*, Doctor, and the King's Majesties Professor of the Civil Law in the University of Cambridge. *In legum obscuritate captio.* At Cambridge, printed by *John Legate*, Anno 1607.

*The Author thought it Justice and Gratitude to commend his Book to that Patron, by whose Advice and Encouragement he wrote it: And therefore prefixed this modest Dedication.*

*To the most Reverend Father in God, his especial good Lord, the Lord Archbishop of Canterbury, Primate and Metropolitan of all England, and one of his Majesty's most Honourable Privy Council.*

“ **A**FTER long Deliberation, I hardly induced my self to crave your  
“ gracious Protection toward this simple Work: Valuing it at so low a  
“ Price, as I think it hardly worth the Respect of any grave Man, much less  
“ the favourable Aspect of so honourable a Personage. Yet the Remembrance  
“ of those your honourable Provocations, whereby, at my coming to your Grace  
“ from the University, you first put me upon these Studies, at the last by a Kind  
“ of Necessity inforced me to this Attempt; because I could not see how well to  
“ avoid it, but by adventuring the hateful Note of Unthankfulness. For I can-  
“ not without Dissimulation, but confess my self persuaded, that this poor Pam-  
“ phlet may prove profitable to the young Students of both Laws, to whose Ad-  
“ vancement that Way, I have of late addicted mine Endeavours; else were I  
“ more than mad, to offer it to the World, and offer it without Mention of him,  
“ that by occasioning of this good, more or less, deserveth the prime Thanks,  
“ were to prove my self unworthy of so grave Advice.

“ And therefore howsoever I account this too much Boldness in respect of  
“ the Subject, yet could I be exceedingly glad, it might please your Grace to  
“ ascribe mine Intention to the Integrity of my Duty. For he that meaneth  
“ truly well, and cannot perform much, must needs rejoice at the good Accep-  
“ tance of that little which he performeth.

“ All I crave for this at your Grace's Hands, is Patience and Pardon for this  
“ Enterprize, with the Continuance of those your many Favours, that hitherto  
“ to my great Comfort I have enjoyed. And so my long Observation of your  
“ judicious Disposition, having taught me, what small Delight you take in af-  
“ fected Complements, and verbal Commendation, without more Words, in all  
“ true humbleness, I beseech the Almighty long to continue your Grace in  
“ Health and Prosperity, to his Glory, and the good of his Church.

*Your Grace's at all Commandment,*

**John Cowel.**

*He prefixed likewise to this First Edition, a Preface to the Readers, which being omitted in later Editions, is the more proper to be now inserted. Any Reader, that has a Relish in these Matters, will be content that first Draughts and Originals, should be recovered and preserved.*

*To*



# The P R E F A C E.

## To the R E A D E R S.

**G**entle Readers, I here offer my self to your Censures, with no other Desire, than by you to be admonished of my Faults. For though I do profess the Amplifying of their Works, that have gone before me in this Kind, and have both gathered at home, and brought from Abroad some Ornaments for the better Embellishing of our *English* Laws; yet I am neither so vain, as to deny my Imperfections, nor so passionate, as to be offended at your Charitable Reformation. Nay, my true End is the Advancement of Knowledge; and therefore have I published this poor Work, not only to impart the Good thereof to those young Ones that want it; but also to draw from the Learned the Supply of my Defects: And so by Degrees, if not my self to finish this Model, yet at the least by the Heat of Emulation to incense some skilfuller Architect thereunto. Yea, I shall think my Pains sufficiently recompensed, if they may be found but worthy to stir up one learned Man to amend mine Errors.

The Civilians of other Nations have by their mutual Industries raised this kind of Work in their Profession, to an unexpected Excellency. I have seen many of them that have bestowed very profitable and commendable Pains therein: And lastly one *Calvinus* a Doctor of *Heidelberg*, like a laborious Bee, hath gathered from all the Former, the best Juice of their Flowers, and made up a Hive full of delectable Honey. And by this Example would I gladly incite the Learned in our Common Laws and Antiquities of *England*, yet to lend their Advice, to the gaining of some comfortable Lights and Prospects toward the beautifying of this ancient Palace, that hitherto hath been accompted (howsoever substantial) yet but dark and melancholy.

Whosoever will charge these my Travels with many Oversights, he shall need no solemn Pains to prove them, for I will easily confess them. And upon my View taken of this Book sithence the Impression, I dare assure them that shall observe most Faults therein, that I by gleaning after him, will gather as many omitted by him, as he shall shew committed by me. But I learned long sithence out of famous *Tulley*, that as no Man's Errors ought to be followed, because he saith some Things well: So that which a Man saith well, is not to be rejected because he hath some Errors. No Man, no Book is void of Imperfections. And therefore reprehend who will in God's Name, that is with Sweetness and without Reproach. So shall he reap hearty Thanks at my Hands; and by true Imitation of the most judicious that ever wrote, more soundly help on this Point of Learning to Perfection in a few Months, than I by tossing and tumbling my Books at home, could possibly have done in many Years. Experience hath taught me in this my *Institutes* lately set forth, by publishing whereof I have gained the judicious Observations of divers Learned Gentlemen upon them; which by keeping them private I could never have procured. By which means I hope one Day to commend them to you again in a more exact Purity, and so leave them to future Times for such Acceptance as it shall please God to give them.

I have in some Towardness a Tract (*De Regulis Juris*) wherein my Intent is, by collating the Cases of both Laws, to shew, that they both be raised of one Foundation, and differ more in Language and Terms than in Substance, and therefore were they reduced to one Method, (as they easily might) to be attained (in a Manner) with all one Pains. But my Time imparted to these Studies being but stolen from mine Employments of greater Necessity, I cannot make the Haste I desire, or perhaps that the Discourse may deserve. Wherefore until my Leisure may serve to perform that, I intreat you lovingly to accept this.

One thing I have done in this Book, whereof, because it may seem strange to some, I think to yield my Reason, and that is the inserting not only of Words belonging to the Art of the Law, but of any other also, that I thought obscure, of what sort soever: As Fish, Cloath, Spices, Drugs, Furs, and such like. For in this I follow the Example of our Civilians, that have thought it their Part to expound any Thing they could meet with in their Walk. And indeed a Lawyer professeth true Philosophy, and therefore should not be ignorant (if it were possible) of either Beasts, Fowls, or creeping Things, nor of the Trees, from the Cedar of *Lebanon*, to the Hyssop that springeth out of the Wall. And therefore if I have either omitted any hard Word within my Circuit, or set it down not expounded, I give you good Leave to impute the one to my Negligence, the other to mine Ignorance, and so commend these my Pains to your best Profit, and you unto God. Nov. 3. 1607.

*John Cowel.*



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*At the Publication of this Book, the World was satisfied that nothing could more facilitate the Studies of the Law, than such a familiar Exposition of the obsolete Words and ambiguous Terms. And that no Method could be more proper to make it useful and serviceable, than to throw the Words into an Alphabet, and so make it a standing Glossary or Dictionary to consult upon all occasional Readings.*

*I know of no Offence, that was immediately taken at this first Edition: Tho' it was infinitely hard to speak of Prerogative, Property, Government, Laws, and mutual Rights, with that Caution and Regard, as not to make some to murmur, and others to insult; especially where Parties and their Passions were even then prevailing.*

*This Performance satisfied his Patron Archbishop Bancroft, that he was a Man of Parts, Industry and Courage, truly capable of Trust and Office. And therefore in the following Year, upon the Death of Sir Edward Stanhop, Vicar-General to the Archbishop, departing this Life on the 16th March, 1608. His Grace conferred that Honourable Place on our Dr. Cowel,*

*(a) Contin. Hatchers who had practised before as an Advocate in the Arches. (a) In this Station he carried himself with that Fairness and Integrity, that Equity*

*and Honour, as raised him no Enemies, and lost him no Friends. And if he was afterwards Invidious as a Writer, he was still blameless as a Judge: For when the warmest Objections were made against some Expressions of his Book, there was not a Word to be objected against his Administration of Justice.*

*The greatest Offence and Provocation given by his Book was indeed this. He had spoke with too much Liberty and too sharp Expressions of the Common Law, and some eminent Professors of it. At this, the Gentlemen of that Robe thought themselves and their whole Faculty affronted. He had not spared the Oracle of the Law, Littleton. He had recited Hottoman's Reflections on his Treatise of Tenures, and by so reciting them was thought to make them his own. This especially gave fire to Sir Edward Coke then Chief Justice of the Common Pleas, who was more particularly concerned for the Honour of Littleton, and valued himself for the Chief Advocate of his own Profession. There seems to have been another Reason that brought Dr. Cowel out of Favour with this Judge; within Two Years after the Publication of his Interpreter, Archbishop Bancroft grew sensible, that the Jurisdiction of the Spiritual Courts was perpetually obstructed by the Grant of Prohibitions from Westminster-hall. He thought the Discipline of the Church could not be effectually executed without redressing this Grievance. He found the ancient Practise of the Clergy of England, when called to attend in Parliament, was to draw up a modest Remonstrance of such Grievances, and to present them to the King, with Petition for Relief. And the King with Advice and Consent of his Council in Parliament, the Barons or House of Lords, did answer the Complaints and Requests in such Manner, as was most lawful and reasonable. Very many of these Precedents remain upon Record, and were commonly called Articuli Cleri. The Spiritual Commonalty, or Parliamentary Convocation, having in this respect a like Privilege with the Temporal Commons, to grant or refuse their Subsidies and Taxes, according as the King was pleased to oblige or deny their Petitions of Right. The Archbishop thought it proper to take a like Method in the present Case, and seems to have employed his Right Hand, Dr. Cowel, in drawing up those Reasons and Exceptions against the too frequent Grant of Prohibitions, which were delivered to the King in Time of Parliament, under the same Title of Articuli Cleri; the King ordered these Articles to be argued by the Judges, and their Arguments against them are printed by Judge Coke in his XII. Report, who had the chief Hand in them; and was now more and more incensed against Dr. Cowel, whom he took for a profest Enemy to the Westminster Courts, and therefore directly or obliquely reflects upon him in several Pages of his less accurate Works.*

*But Paper Reproofs were too little Satisfaction; Sir Edward Coke was of some Authority with the King, and had good Interest in the House of Commons: By these Advantages, he represents Dr. Cowel as an Enemy to both. He knew nothing would excite the King's Jealousy so much as to touch upon the Question of Prerogative, and therefore he suggests, that this Author had disputed too nicely upon the Mysteries of this his Monarchy, nay in some Points very derogatory to the supream Power of his Crown. (a) It was further represented to his Majesty, That this bold Writer had asserted, that his Royal Prerogative was in some Cases limited, (b) as if this could be any Offence to an English Monarch. And I suppose it passed for a common Report what a severe Author has delivered in his Court and Character of that Prince, that in the Interpreter it is said, That King took not the usual Oath all Kings are bound unto at their Coronation. (c) His thus incurring the Royal Displeasure, might have*

4  
(a) King's Proclamat. 25 March 1610.  
don, pag. 191.

(b) Athen Oxon. Vol. 1. Col. 784.

(c) Anth. Wel-

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have mark'd him out for Disgrace and Ruin. But I believe the King was wise, and the Archbishop faithful; and so this Plot miscarried.

Upon this Disappointment, his Adversaries (who knew how to bring in a Man guilty of Felony, when he was acquitted of Treason) turn the Tables, and resolve to make him a Betrayer of the Rights and Liberties of the People, thinking this Accusation would do more with the Parliament, than the other had done with the King. It is natural enough to imagine, that by giving Offence to both Parties, he meant no harm to either. Nothing can displease Two opposite Sides, but Moderation.

However the Design against him was carried on in the House of Commons by Men of Parts and Interest; and it came to this Issue, that the Author was committed to Custody, and his Books were publicly burnt. I want Opportunity to consult the Journal of the Two Houses, but a Report from them is thus given by the Learned Mr. Petyt in his *Miscellanea Parliamentaria*, pag. 64.

Anno 7 Jacobi, 1609. Dr. Cowel Professor of the Civil Law at Cambridge, writ a Book called the *Interpreter*, Rashly, Dangerously, and Perniciously asserting certain Heads to the Overthrow and Destruction of Parliaments, and the Fundamental Laws and Government of the Kingdom.

He was complained of by the Commons to the Lords, as equally wounded, who resolved to censure his Errors and Boldness: But upon the Interposition of the King, who declared that the Man had mistaken the Fundamental Points and Constitutions of Parliaments, promised to condemn the Doctrines of the Book as absurd, and him that maintained the Positions; they proceeded no further. His Principles with the evident Inferences from them were these.

1. That the King was *solutus a Legibus*, and not bound by his Coronation-Oath.
2. That it was not *ex necessitate*, that the King should call a Parliament to make Laws, but might do that by his absolute Power; for *voluntas Regis* (with him) was *Lex populi*.
3. That it was a Favour to admit the Consent of his Subjects in giving of Subsidies.
4. The Doctor draws his Arguments from the Imperial Laws of the Roman Emperors; an Argument which may be urged with as great Reason and upon as good Authority, for the Reduction of the State of the Clergy of England to the Polity and Laws in the Time of those Emperors; as also to make the Laws and Customs of Rome and Constantinople to be binding and obligatory to the Cities of London and York.

I have no Authority, nor indeed Inclination, to contradict this Report of Mr. Petyt. And I must confess these Positions are so gross and intolerable, that no English Man would defend them or excuse them. I mean if they are as gross and positive in the Author, as they are in this Relation. But I think I have run over most Part of the First Edition 4to. 1607. and find no such abominable Assertions in Words at length; there be many Things too unadvisedly exprest, which a wise Author would have omitted, and a wise Government might have despised. But alas, when a suspected Book is brought to the Torture, it often confesseth all, and more than all it knows.

However the King acted with Prudence and Honour in Issuing out his Royal Proclamation for suppressing the Book, and censuring the Writer. And because it is the best Light of History in this Matter, and but rarely seen, I shall here give the Whole.

A Proclamation touching Dr. Cowel's Book, called the *Interpreter*.

**T**his later Age and Times of the World wherein we are fallen, is so much given to verbal Profession, as well of Religion, as of all commendable Moral Virtues, but wanting the Actions and Deeds agreeable to so specious a Profession, as it hath bred such an unsatiable Curiosity in

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in many Mens Spirits, and such an itching in the Tongues and Pens of most Men, as nothing is left unsearched to the Bottom both in Talking and Writing. For from the very highest Mysteries in the Godhead and the most inscrutable Counsels in the Trinity, to the very lowest pit of Hell, and the confused Actions of the Devils there, there is nothing now unsearched into by the Curiosity of Mens Brains. Men not being contented with the Knowledge of so much of the Will of God as it hath pleased him to reveal: But they will needs sit with him in his most private Closet and become privy of his most inscrutable Counsels. And therefore it is no wonder, that Men in these our Days do not spare to wade in all the deepest Mysteries that belong to the Persons or State of Kings and Princes, that are Gods upon Earth: Since we see (as we have already said) that they spare not God himself. And this Licence that every Talker or Writer now assumeth to himself, is come to this Abuse, that many Phormios will give Counsel to Hannibal, and many Men that never went of the Compass of Cloysters or Colleges will freely wade by their Writings in the deepest Mysteries of Monarchy and Politick Government: Whereupon it cannot otherwise fall out, but that when Men go out of their Element, and meddle with Things above their Capacity; themselves shall not only go astray and stumble in Darkness, but will mislead also divers others with themselves into many Mistakings and Errors; the Proof whereof we have lately had by a Book written by Dr. Cowel, called The Interpreter: For he being only a Civilian by Profession, and upon that large Ground of a kind of Dictionary (as it were) following the Alphabet, having all kind of Purposes belonging to Government and Monarchy in his way, by meddling in Matters above his reach, he hath fallen in many Things to mistake and deceive himself: In some Things disputing so nicely upon the Mysteries of this our Monarchy, that it may receive doubtful Interpretations: Yea in some Points very derogatory to the supreme Power of this Crown: In other Cases mistaking the true State of the Parliament of this Kingdom, and the Fundamental Constitutions and Privileges thereof: And in some other Points speaking irreverently of the Common Law of England, and the Works of some of the most famous and ancient Judges therein: It being a Thing utterly unlawful to any Subject, to speak or write against that Law under which he liveth, and which we are sworn and are resolved to maintain. Wherefore upon just Considerations moving us herunto, for preventing of the said Errors and Inconveniencies in all Times to come, we do hereby not only prohibit the Buying, Uttering, or Reading of the said Book, but do also Will and straitly Command all and singular Persons whatsoever, who have or shall have any of them in their Hands or Custody, that upon Pain of our high Displeasure, and the Consequence thereof, they do deliver the same presently upon this Publication to the Lord Mayor of London, if they or any of them be dwelling in or near the said City, or otherwise to the Sheriff of the County where they or any of them shall reside; and in the Two Universities to the Chancellor or Vice-Chancellor there, to the Intent that further Order may be given for the utter Suppressing thereof. And because there shall be better Oversight of Books of all Sorts before they come to the Press, we have resolved to make Choice of Commissioners, that shall look more narrowly into the Nature of all those Things that shall be put to the Press, either concerning our Authority Royal, or

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concerning our Government, or the Laws of our Kingdom, from whom a more strict Account shall be yielded unto us, than hath been used heretofore.

Given at our Palace of Westminster the 25th Day of March, in the Eighth Year of Our Reign, of Great Britain, France and Ireland. Anno Dom. 1610.

*It is one of the Detections of Roger Coke, Esq; that this Proclamation could not call in those Books, but only seemed to make them more taken Notice of. The only Truth that drops from that Gentleman in his Relation of this Matter: For how can he prove that Dr. Cowel published his Interpreter the next Year after the 7th of the King, when it was indeed the 5th of the King? How can he tell the Doctor wrote the Book to supply the King's Necessities? How does he know that he was no Doubt set upon it by Bancroft, and those called the Church? Where does he find the Proclamation published during the Session of Parliament, and that it had not the desired Effect of getting more Money, when there was no such Proclamation till three Months after the Dissolution? Secret History should be wrote with a very good Memory. Roger Coke Esq; was descended from the Lord Chief Justice, and so by Right of Inheritance had a Feud against Dr. Cowel, and by the same Hereditary Right was to be no good Historian; for that Oracle of the Law, was at least no Oracle in Matters of Fact. His Opinions may be excellent, but his Stories are most of them Trifles and Falshood.*

*To return to our Author Dr. Cowel, when he had thus felt the Displeasure of the King, and the Indignation of the People; like a wise Man he took his Leave of the Press, and retired to his College and his private Studies, and lived inoffensive and in good Repute, not averse to serve the Publick, when he was called to any Advice or proper Service. Soon after he died upon the Operation of being cut for the Stone.*

*A considerable Benefactor to the College of which he had been Fellow, to the Hall of which he had been Master, and to the University of which he had been Governour. He lies buried under the Altar in the Chapel of Trinity-Hall, with this Inscription, as I receive it with some other Notices from the Honoured Master, and a worthy Fellow of that House.*

Johannes Cowel LL. D. Custos hujus Collegii, Juris Civilis, in hac Academia Cantab. Professor Regius, Vicarius Generalis Cantuariensis Provinciae sub Domino Richardo Bancroft Archiepiscopo Cantuariensi, hic expectat Resurrectionem. Obiit undecimo die mensis Octob. Anno Dom. 1611.

*This condemned Book was known to be very useful, and therefore has been often reprinted, in the Reign of Ch. I. under the Administration of Cromwel, and after the Restauration. But in all the later Editions, those Passages that were dubious or offensive have been corrected or omitted.*

*Archbishop Laud, who was to bear the Blame of every invidious Thing, was charged with giving Countenance or Connivance to an Impression of this Work. Of which Act and Effort of Malice, his own Account is the best that can be given. Hist. Troub. and Trial of Archb. Laud. p. 235.*

*Cap. XXIII. 2d. Day Art. IX. Then was charged upon me the printing of Books, which asserted the King's Prerogative above Law, &c. The Instance was in Dr. Cowel's Book Verbo (a) Rex. That this Book was decryed by Proclamation; that Complaint was made to me, that this Book was printing in a close House without License, and by Hodgkinson, who was my Printer; that I referred them to Sir John Lamb; that they came to me again, and a third Time, and I still continued my Reference; which Sir John Lamb slighting, the Book came forth; the Witnesses to this were Hunt and Wallye, if I mistook not their Names.*

1. For this Book of Dr. Cowel's, I never knew of it till it was printed, or so far gone on in Printing, that I could not stay it: And the Witnesses say, it was in a close House and without License, so neither I nor my Chaplains could take Notice of it.

2. They

(a) No such Word there, sure, it should be Prerogativa Regis. W. S. A. C. (i. e.) a Note of William Sancroft Archb. of Cant.



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2. They say, they informed me of it, but name no Time, but only the Year 1638. But they confess I was then at Croydon; so being out of Town, (as were almost all the high Commissioners) I required Sir John Lamb, who being a High Commissioner, had in that Business as much Power as my self, to look to it carefully, that the Book proceeded not, or if it were already printed, that it came not forth. If Sir John slighted his own Duty and my Command (as themselves say) he is living and may answer for himself; and I hope your Lordships will not put his Neglect on my Account.

3. As for Hodgkinson, he was never my Printer, but Badger was the Man I employed; as is well known to all the Stationers; nor was Hodgkinson ever employed by me in that Kind or any other; upon just Complaint, I turned him out of a Place, but never put him into any. And therefore those Terms which were put upon me of my Hodgkinson and my Sir John Lamb, might have been spared; Sir John was indeed Dean of the Arches, and I employed him as other Archbishops did the Deans which were in their Time, otherwise no Way mine: And Hodgkinson had his whole Dependance on Sir Henry Martin, and was a meer Stranger to me. And this Answer I gave to Mr. Brown, when he summed up the Charge. Nor could any Danger be in the Printing of that Book to mislead any Man: Because it was generally made known by Proclamation, that it was a Book condemned, and in such particulars: But for other Things the Book very useful.

As to the Additions and Improvements in this present Volume, all I pretend to is to augment the Work by the easy Addition of many Thousand Words, which neither Author nor Editors had before observed. And indeed a Work of this Nature is no more to be raised up in one Impression, than Rome in one Day. What have all Sorts of Glossaries and Dictionaries been at the first projecting of them, but rude and modelling Draughts; but meer Scaffolding to carry up Materials, to build higher in due Time and Order.

Yet I think I have not done, as many other Alphabet Writers, who have traded purely in transferring of Stock, and have picked out the Words of one Dictionary to insert into another. I have indeed thrown in from Du Fresne, &c. most of those Words that bear Relation to English Laws and Customs; but then I have explained them with more Familiarity, and confirmed them with more Authority: And have often adjusted the Mistakes of that very Learned Writer, who was a Foreigner in this Cause, and wrote sometimes of English Matters with a French Air, loose and at large. But a very great Number of the Terms here interpos'd are new to the present Age, and were occasionally gathered up from many Manuscripts and old Records, more to satisfy my own private Curiosity, than with any Design upon the Publick.

But since the Proprietors of the old Copy called upon me, to lend them some Additions and Improvements for a new Edition, I communicate the Heap of Collections to them and the World; and dare say, they will be serviceable to the Antiquary, to the Historian, to the Lawyer, to any Scholar, nay to every English Reader.

Thus far the Prefacer to the last Edition, concerning the first Author, and the Improvements he himself made to this Work: It remains to say something in Behalf of this present Volume. In the first Place, the Text of the last Edition is left entire and whole. But the Faults of that Impression, the literal, (which are almost innumerable) and the many wrong Quotations and References are corrected with the greatest Care. The Etymologies of Words, where they seemed to be mistaken, are not altered; but the true Derivations added; and these I am not ashamed to own were chiefly taken from Dr. Wilkins's Glossary to his Saxon Laws. As for the Additions now made they are very large, consisting of many Thousand Words; of which there needs no other Proof than the additional Number of Sheets, this Impression containing above thirty more than the last.

# A Titular and Chronological TABLE of our KINGS and QUEENS from the Con- quest to the Year, 1727.

KINGS Names and Titles.		Began their Reigns.	Reigned. Ye. Mo. Days.	Since they Reigned.
1	<b>W</b> ilhelmus Rex; Wilhelmus Rex Anglorum; and Wilhelmus Rex Anglorum, Princeps Normannorum atque Cynmannensium.	1066 Octob. 14	20 11 22	640 Septemb. 9
2	Willielmus, Rex Anglorum, & Willielmus Dei Gratia, (and nunc Dei) Rex Anglorum.	1087 Sept. 9	12 11 18	627 August 1
1	Henricus, Rex Anglorum; Henricus Dei gratia, Rex Anglorum; and Henricus gratia Dei, Rex Anglorum & Princeps Normannorum; called also in some Records, Henricus Verus.	1100 Aug. 1	35 4 1	592 Decemb. 1
	Stephanus, Rex Anglorum; and Stephanus Dei gratia, Rex Anglorum.	1135 Decemb. 1	18 11 18	573 Octob. 25.
2	Henricus, Rex Angliæ, Dux Normanniæ & Aquitaniz, & Comes Andegaviz.	1154 Octob. 25	35 9 8	538 July 6
1	Richardus, Rex Angliæ, Dux Normanniæ & Aquitaniz, & Comes Andegaviz.	1189 July 6	9 9 0	528 April 6.
	Johannes, Dei gratia, Rex Angliæ, Dominus Hiberniæ, Dux Normanniæ & Aquitaniz, & Comes Andegaviz.	1199 April 6	17 7 0	511 Octob. 19
3	Henricus, Dei gratia, Rex Angliæ, Dominus Hiberniæ, Dux Normanniæ & Aquitaniz, & Comes Andegaviz: Anno Regni 44, he filled himself Henricus Dei gratia, Rex Angliæ, Dominus Hiberniæ, & Dux Aquitaniz.	1216 Octob. 19	56 1 9	455 Novemb. 16
1	Edwardus, Dei gratia, Rex Angliæ, Dominus Hiberniæ & Dux Aquitaniz In Records sometimes named Edward of Westminster.	1272 Nov. 16	34 3 6	420 July 7
2	Edwardus, Dei gratia, Rex Angliæ, Dominus Hiberniæ & Dux Aquitaniz. And, 14 Regni, added Comes Pontivi & Monstroill. Pat. 14 Edw. 2. Par. 2. m. 14. Stiled also Edw. of Carnarvon.	1307 July 7	19 7 5	400 Jan. 25.
3	Edwardus, Dei gratia, Rex Angliæ, Dominus Hiberniæ & Dux Aquitaniz. Anno 13 Regni he omitted Dux Aquitaniz. He was also called Edward of Windsor, and was the first that constantly used Post Conquestum in his Title, to distinguish the King Edwards after the Conquest, from those before it.	1327 Jan. 25	51 5 7	358 June 21
2	Richardus, Dei gratia, Rex Angliæ, & Franciæ, & Dominus Hiberniæ, called Rich. of Bourdeaux.	1377 June 21	12 3 14	328 Septemb. 29
4	Henricus, Dei gratia, Rex Angliæ & Franciæ, & Dominus Hiberniæ, called Henry of Bullingbroke.	1399 Sept. 29	13 6 3	315 March 20
5	Henricus, Dei gratia, Rex Angliæ & Franciæ, & Dominus Hiberniæ. Et Anno Regni 8, Hen. Dei gratia, Rex Angliæ, hæres & Regens Franciæ, & Dominus Hiberniæ, called also Henry of Monmouth.	1412 Mar. 20	9 5 24	305 August 31
6	Henricus, Dei gratia, Rex Angliæ & Franciæ, & Dominus Hiberniæ.	1422 Aug. 31	38 6 8	267 March 4
4	Edwardus, Dei gratia, Rex Angliæ & Franciæ, & Dominus Hiberniæ.	1460 March 4	23 1 8	244 April 9
5	Edwardus, Dei gratia, Rex Angliæ & Franciæ, & Dominus Hiberniæ.	1483 April 9	0 2 18	244 June 22
3	Ricardus, Dei gratia, Rex Angliæ & Franciæ, & Dominus Hiberniæ.	1483 June 22	2 2 5	242 August 22
7	Henricus, Dei gratia, Rex Angliæ & Franciæ, & Dominus Hiberniæ.	1485 Aug. 22	23 10 16	218 April 22

Kings since the conquest  
 56 years & 2 months & 2 days  
 31  
 44  
 38  
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KINGS Names and Titles.	Began their Reigns.	Reigned Ye. Mo. Days.	Since they Reigned.
8 Henricus, Dei gratia, Rex Angliæ & Franciæ, & Dominus Hiberniæ. Et Anno 10 Regni, Henricus octavus Dei gratia, &c. Anno 13 Regni, Fidei Defensor was added. Et Anno 22 Regni, in terra Ecclesiæ Anglicanæ & Hiberniæ supremum caput, was added. Et Anno Regni 34, Rex Hiberniæ was added.	1509 April 22	37 10 2	180 Jan. 28
6 Edwardus sextus, Dei gratia, Angliæ, Franciæ & Hiberniæ Rex, Fidei Defensor, Et in terra Ecclesiæ Anglicanæ & Hiberniæ supremum caput.	1547 Jan. 28	6 5 19	174 July 6
Queen Mary summoned her first Parliament by the same Title, but soon after omitted supremum Caput. After she married King Philip, she used her own and his Titles, &c.	1553 July 6	5 4 22	169 Novemb. 17
Elizabetha, Dei gratia, Angliæ, Franciæ & Hiberniæ Regina, Fidei Defensor.	1558 Nov. 17	44 4 16	125 March 24
1 Jacobus, Dei gratia, Angliæ, Scotiæ, Franciæ & Hiberniæ Rex, Fidei Defensor.	1602 Mar. 24	22 8 2	102 March 27
1 Carolus, Dei gratia, Angliæ, Scotiæ, Franciæ & Hiberniæ Rex, Fidei Defensor.	1625 Mar. 27	23 10 3	78 Jan. 30
2 Carolus secundus, Dei gratia, Angliæ, Scotiæ, Franciæ & Hiberniæ Rex, Fidei Defensor.	1648 Jan. 30	36 0 8	42 February 6
2 Jacobus secundus, Dei gratia, Angliæ, Scotiæ, Franciæ & Hiberniæ Rex, Fidei Defensor.	1685 Febr. 6	4 0 7	Abdicated Dec. 29, 1688
Gulielmus & Maria, Dei gratia, Angliæ, Scotiæ, Franciæ & Hiberniæ Rex & Regina, Fidei Defensores. But Queen Mary dying Decemb. 28, 1694, King William's Title then was Gulielmus tertius, Dei gratia, &c.	1689 Febr. 13	13 0 23	25 March 8
Anna, Dei gratia, Angliæ, Scotiæ, Franciæ & Hiberniæ Regina, Fidei Defensor. But upon the Union of the two Kingdoms in the Year 1706, she used Magnæ Britanniæ instead of Angliæ, Scotiæ.	1702 Mar. 8	12 4 24	13 August 1
Georgius, Dei gratia, Magnæ Britanniæ, Franciæ & Hiberniæ Rex, Fidei Defensor.	1714 August 1	Crown'd Oct. 20, 1714 12...10...9	Now Reigning.
Georgius 2 <sup>us</sup> , Dei Gratia, Magnæ Brit. Georgius tertius Georgius quartus Gulielmus quartus Victoria	1727 June 9 1760 Octo 25		

## CARMEN TECHNICUM

### Regum Reginarumque Angliæ.

Wil. Conq. Wil. Rufus, Henri, Steph. Henq; secundus,  
 Ric. John, Henricus, tres Edward, Ricq; secundus,  
 Post hos regnavit quartus, quintus quoque Henri,  
 Hen. sextus, Edward quartus, quintusque, Ricardus  
 Tertius, Hen. Sept. & Oct. Edwardusque, Maria,  
 Eliz. Jac. Carolus primus, Carolusque secundus,  
 Postq; secund. Jacob. Tunc cum Maria Gulielmus:  
 Tunc Gul'mus solus: Post hunc regnavit & Anna:  
 At (nunc gubernans) successit Georgius Anna.



# THE INTERPRETER OF History, Antiquities, and LAWS.

A B

A B

A.

**A** IS the first Letter of the Alphabet with the Hebrews, Greeks, Latins, and other Nations, and called by the Heb. *Aleph*; the Arab. *Aliph*; Chaldee and Syriac, *Olaph*; Armenians, *Alp*; Æthiopians *Alph*; and Greeks, *Alpha*. *A* prefix'd to Words, in English stands equivalent with *un* in French; as a Man, *un homme*. But *A* prefix'd, according to the Greek Acceptation becomes privative, and signifies as much as *without* v. g. in Greek *ενομα*, a Name, by prefixing *A* it becomes *Ανομας*, *sine nomine*, without a Name, or that will not own his Name.

**Ab.** When the Name of a Place begins with *Ab* it denotes, that either the Place belonged to some Abbey, or that an Abbey was founded there. Thus, *Abingdon* in Berkshire took that Name soon after *Cissa* King of the West-Saxons had founded the Abbey there; for before, it was called *Cloveshoe*.

**Abacor**; The Cap of State, used in old Time by our English Kings, wrought up in the Figure of two Crowns. *Vid. Chron. Angl. 1463. Ed. 4. p. 666. Vol. 2. l. 27. Spelman.*

**Abatores**, (*Abattores*) Drivers away, or indeed stealers of Cattle or Beasts, not by one and one, but in great Numbers at once; and therefore by *M. S.* thus distinguished from *fur*, *qui unam ovem surripuerit, ut fur coercetur, qui gregem, ut Abator*. 'Tis derived from the Verb *Abigere*. For when Herds of Cattle are stoln, they are certainly driven away:

*Noſſe miſer quadaſſim ſomno graviore ſepultus,  
Amiſit taciti furto prædonis abactos.*

**Abacus**, *Arithmetic*, or the Art of numbering, from the *Abacus* or Table, on which the Ancient ſet down their Figures.—*Omnium liberalium artium peritus*, *Abacus præcipue, lunarem compotum & curſum rimatus*. *Hen. Knighton, Chron. lib. 1. cap. 3.*

**Abaciſſa**, An *Arithmetician*, whence the Italian *Abacchie* and *Abacchiſta* — *Gerbertus* — *Abacum certe primus a Saracenis capiens, regulas dedit, quæ a ſudantibus Abaciſtis vix intelliguntur*. *Will. Malmſbur. Hiſt. Angl. lib. 2. cap. 10.*

**Abandum**, *Abandonum*, Any thing ſequeſtered, proſcribed, *abandon*, i. e. *In bannum res miſſa*; a Thing *Bann'd* or *Denounc'd* as forfeited and loſt. Whence to *abandon*, to *deſert*, or *forſake* as loſt and gone.

**Abarnare**, To detect or diſcover any ſecret Crime. *Sax. Abarian*, to uncover, diſcloſe or make bare. — *Siquis Francigena occidatur, & Interfeſſor ignoretur* — *Si parentes ſecundum legem repentes, vel probantes non habeant, ſint illius qui abarnaverit*. *Leges Henrici I. Angl. cap. 91.* — *Si Homo furtivum aliquid in domo ſua occultaſſet, & ita fuerit abarnatus, rectum eſt ut inde habeat quod queſivit*. *Leges Canuti Reg. cap. 104.* *Dr. Wilkins* in his Gloſſary on the Saxon Laws thus explains this Word *Abarnare*: *Rem clari & occulte geſtam probationibus manifeſtare: Unde Murdrum abarnatum idem eſt ac Murdrum probatum.*

**Abartick**, *Infatiable*; from a Privative, and the Saxon, *Berſton*, *Diſrumpi*, who has ſo large a Belly, that tho' full, it will not burſt.

**Abate**, May be derived from the French Word *Abatre*, *deſtruere*, *proſternere*, to break down or deſtroy; in the vulgar Senſe, it ſignifies to diminiſh, or take away, as to *abate* the Courage of a Man; it is in the Writers of the Common Law uſed both aſſively and paſſively, as to *abate* a Caſtle or Fort-*ſſet*, *Old Nat. Brev. fol. 45.* Which in *Weſt. 1. cap. 17.* is plainly interpreted to beat it down: And to *abate* a Writ, is by ſome Error or Exception to defeat, or overthrow it. *Britton, cap. 48.* And in this aſſive Voice, it has two Significations, one general, another ſpecial; general, as in the former Examples; and again, in *Kitchin, fol. 173.* *Abater Maifon*, is to ruin or caſt down a Houſe; ſpecial, as in the *Old Nat. Brev. fol. 115.* A Stranger *abateth*, that is, entreth upon a Houſe or Land, void by the Death of him that laſt poſſeſſed it.

B

it, before the Heir takes his Possession, and so keeps him out; wherefore as he that putteth him out of Possession, is said to disseise; so he that steppeth in between the former Possessor and his Heir is said to *abate*. And in the Statute *De conjunctione Feoffatis*, 34 Ed. 1. Stat. 2. The Writ of the Demandant shall be *abated*, that is, shall be disabled, frustrated, or overthrown. So in *Staundford's Pleas of the Crown*, fol. 148. the Appeal *abate*th by Cousinage, that is, the Accusation is defeated by Deceit. Anno 11 H. 6. cap. 2. The Justices shall cause to be *abated* the said Writ, and hence cometh a Word of Art *Abatementum*. Vide *Intrusion*.

*Abatement*, Derived from the French *Abatement*, sometimes signifies the Act of the *Abator*, as in the *Abatement* of the Heir into the Land before he hath agreed with the Lord. *Old Nat. Brev.* 91. Sometimes the Affection or Passing of the Thing *abated*, as *Abatement* of the Writ. *Kitch.* fol. 214. And in this Signification, it is as much as *exceptio dilatoria* with the *Civilians*, (*Brit. cap.* 51.) or rather an Effect of it; for the Exception alledged, and made good, works the *Abatement*. And this Exception may be taken either to the Insufficiency of the Matter, or to the Incertainty of the Allegation, by the Misnaming of the Plaintiff, Defendant, or Place; to the Variance between the Writ and the Specialty, or Record; to the Incertainty of the Writ, Count or Declaration; or to the Death of the Plaintiff or Defendant before Judgment had, and for divers other Causes: Upon which Defaults the Defendant may pray that the Writ or Plaint may *abate*, i. e. the Plaintiff's Sute against him may cease for that Time. *New Terms of the Law*, Verb. *Abatement of a Writ*, &c. To prevent *Abatement* of Writs of Error. See the Stat. 16. Car. 2. cap. 2. Co. Entries, fol. 63. c. & 205. d. & 519. c. *Abatement* is called in *Latin Intrusio*, but it may rather be called *Interpositio*, or *intratio per interpositionem*, to distinguish it from *Intrusion* after the Death of Tenant for Life: And in his *Com. on Lit.* fol. 277. he shews the Difference between *Abatement*, *Disseisin*, *Intrusion*, *Deformement*, *Usurpation*, and *Purpresture*. He that will read more of this, may read the *New Book of Entries*, verb. *Brief*. See also *Writ*, *Misnomer* and *Variance*, and the Book called, *The Digests of Writs*.

*Abatoz*, Is he that *abate*th, that is, intrudeth into a House or Land, void by the Death of the former Possessor, and not yet entred, or taken up by his Heir. *Old Nat. Brev.* fol. 115. *Perkins*, fol. 76.

*Abatuda*, i. e. diminished; *Moneta abatuda* is Money clipt or diminished in Value: *Si tempore solutionis hac Moneta fuerit abatuda, sive deteriorata. Charta Simonis Comitis Leicestrie*, Anno 1209. Du Cange in verbo.

*Abawed*, i. e. terrify'd, from the French *Esbahir*, *attonitum reddere*.

*Abay*, or *Abey*: Ye shall fore *abey* it, i. e. You shall suffer great Pain, or You shall pay dear for it.

*Abbay*, In *Latin* *Abbatia*, or *Abbatia*, is the Government of a religious House, with the Revenues and Persons, subject to an Abbat, as a Bishoprick is to a Bishop. The Word is used Anno 34 & 35 H. 8. cap. 17, 18. *Sciant, &c. quod ego Isabella Comitissa Pembroke pro salute anime mee, &c. Dedi Deo & Abbatia de N. totam wicbam juxta predictam Abbatiam, &c.*

*AbbaHaba*, *Apubly*, a Town in *Westmorland*.

*Abbat* or *Abbot*, *Abbas* in *Latin*, in *French* *Abbe*, *Sax.* *Abbd*, a Spiritual Lord having the Rule of a religious House, according to our Common Law: Skilful Linguists derive it from the *Syriack* *Abba*, *Pater*; *Justinian's Novel Constitut.* 115. *Seft.* *ἁββα*, terms him *Archimandrita*; others *Cænobiarcha*, or *Archimonachus*. *Hotoman* in verb. *Feuda*. Of these, some here in *England* were Mitered, some not. *Stow's Annals*, pag. 442. Such as were Mitered, were exempted from the Jurisdiction of the *Diocesan*, having themselves Episcopal Authority within their Limits, and were also Lords of the Parliament. Of this Kind, thus saith *Corasius*, *Aliqui Abbates habent jurisdictionem Episcopalem, ad quos cum Ecclesia pleno jure pertineat, in eorum Monasteriis Episcopus nihil exercet. Cap. Ea que.* And these were called *Abbots Sovereign*, 9 R. 2. cap. 4. And *Abbots Generalis*, as Mr. *Ferne* Noteth in his *Glory of Generosity*, pag. 126. The other Sort were subject to the *Diocesan* in all spiritual Government. *Cap. Monasteria* 18. *Quæst. cap. Abbas & ca. visitandi, cum quatuor sequentibus ibid.* Omnes 16. *Quæst. 7. & ca. cum venerabilis, extra de religiosis domibus.* And as *Abbots*, so were there *Lords Priors* also, who both had exempt Jurisdiction, and were Lords of Parliament, as Sir *Edw. Coke* makes out, *De jure Eccles.* fol. 28. a. Of which *Lords Abbots* and *Priors* that sat in Parliament, some reckon but twenty-six, but Sir *Edw. Coke* says, they were twenty-seven *Abbots* and two *Priors*, *Co. super Lit.* fol. 97. In the Parliament 20 R. 2. there were but twenty-five *Abbots* and two *Priors*: But in the Summons to the Parliament at *Winton*, Anno 4 Ed. 3. (in *Dorso clauso ejusdem An. Membran.* 41.) I find more named, to which I have added the Founders out of the *Monasticon Anglicanum*.

## Abbots and Priors.

## Founders Names

- |  |  |
|--|--|
| 1 Abbot of St. Austin's in Canterbury. | <i>Ashelbertus Rex</i> , Anno 602.           |
| 2 Abbot of Ramsey.                     | <i>Ailwinus Semi-Rex</i> , 969.              |
| 3 Abbot of Peterborough.               | <i>Wulfereus Rex</i> , 664.                  |
| 4 Abbot of Croyland.                   | <i>Ethelb. Rex Mercia</i> , 726.             |
| 5 Abbot of Evesham.                    | <i>Egwin. Episc. Wigorn</i> , 708.           |
| 6 Abbot of St. Benet de Hulmo.         | <i>Canutus Rex</i> , Anno 1026.              |
| 7 Abbot of Thornby.                    | <i>Wil. Albemarle sub Hen. 2.</i>            |
| 8 Abbot of Colchester.                 | <i>Eudo Dapifer</i> , Hen. 1.                |
| 9 Abbot of Leiceſter.                  | <i>Rob. Boffue, Comes Leic.</i> 1141.        |
| 10 Abbot of Winchcomb.                 | <i>Kenulphus Rex Mercia</i> , 789.           |
| 11 Abbot of Westminster.               | <i>Seabert Rex Occid. Sax.</i> 604.          |
| 12 Abbot of Cirenceſter.               | <i>Henricus Primus</i> , 1133.               |
| 13 Abbot of St. Albans.                | <i>Offa Rex Mercia</i> , 795.                |
| 14 Abbot of St. Mary York.             | <i>Alanus Comes Britannia</i> 1088.          |
| 15 Abbot of Shrewsbury.                | <i>Roger. Comes Mortgom.</i> 1081.           |
| 16 Abbot of Selby.                     | <i>Gulielm. Conquerſter</i> , 1078.          |
| 17 Abbot of St. Peter's Glouceſter.    | <i>Offric. Rex Northumb.</i> 700.            |
| 18 Abbot of Malmesbury.                | <i>Maidulfus Hibern. Scot.</i> 648.          |
| 19 Abbot of Waltham.                   | <i>Haraldus Rex</i> , 1036.                  |
| 20 Abbot of Thorney.                   | <i>Ethelwoldus, &amp; Edgarus Rex</i> , 972. |
| 21 Abbot of St. Edmond's.              | <i>Canutus Rex</i> , 1020.                   |
| 22 Abbot of Beaulieu.                  | <i>Johannes Rex</i> , Anno Regni 6.          |
| 23 Abbot of Abingdon.                  | <i>Ciſſa Rex</i> , An. 675.                  |
| 24 Abbot                               |  |

- 24 Abbot of Hyde. *Aluredus Rex, 922.*  
 25 Abbot of Rading. *Henricus Primus Rex, 1125.*  
 26 Abbot of Glastonbury. *Inas Rex Occid. Sax. 708.*  
 27 Abbot of Osney. *Rob. Fitz - Nigel Doily, 1129.*  
 28 Prior of Spalding. *Jo. Talbois, Com. Andegav. 1074.*  
 29 Prior of St. John's of Jerusalem. *Jordanus Briset & Ux. ejus, 1100.*  
 30 Prior of Lewes. *Will. de Warren, primus Comes Sur. 1708.*

To which were afterwards added,

- 31 Abbot of S. Austin's. *Henricus Secundus Rex. Bristol.*  
 32 Abbot of Bardene. *Rex Ethelredus, 712.*  
 33 Prior de Semplingham. *Sanctus Gilbertus, 1131.*

To these also Henry the Eighth added the Abbot of Tavistock. And in the *Teste* to *Mag. Charta*, the Names of some other Abbots are inserted, among the great Men of the Realm. An Abbot with the Monks of the same House, being called *The Covent*, made a Corporation; but such Abbot was not chargeable by his Predecessors Act, but by their common Seal, or for such Things as came to the Use of his House; neither for the Debt of his Monk before his Entry in Religion, though the Creditor had a Specialty. See for this the *Abridgment* under the same Title.

The Bishops complained that the Monks invaded their Rights and Privileges, I mean at the Time when the Abbots were first mitred; and they were very much offended, because in Synods and Councils there was no Distinction between them in their Habits, for both were mitred and alike; thereupon Pope Clement the Fourth ordered, that the Abbots should wear their Mitres embroidered with Gold, but without Jewels; but those of the Order of *Præmonstratenses* wore no Miters, because they would not seem to be elevated with those Things which were worn by Popes and great Prelates.

*Abbaty, An. 31 H. 8. cap. 13. See Abhacy.*

*Abbatis*, An *Auener* or Steward of the Stables; the Word was sometimes used for a common *Hostler*, pronounc'd short in the middle Syllable, which distinguishes it from the genitive of *Abbas*, an Abbat. As in this old Line,

*Abbatis ad canam dat equis Abbat's avenam. Spelman in voce.*

*Abbettoz. See Abet.*

*Abbotment, (Abbrocamentum)* is a Forestalling of a Market or Fair, by buying up the Wares before they are exposed to Sale in the Market or Fair, and then vending them again by Retail. *M. S. de Placit. coram Rege Ed. 3. Penes J. Trevor Mil.*

*Abbundum. See Abingdon.*

*Abbus æstuarium. Hunber in Yorkshire.*

*Abbutais*, (From the French *Abutter*, that is, to limit or bound) are the *Buttings* and *Boundings* of Land either to the East, West, North or South, shewing on what other Lands, Rivers, Highways, or other Places it does *abut*: As in *Croke's Reports*, Part 2. Fol. 184. *The Plaintiff bath fail'd in his Abuttals*, that is in setting forth how the Land is *abuted* and bounded. *Latera autem nunquam aiunt Abbuttare, sed terram Proximam adiacere.* And *Cambden* says, Limits were distinguished by

Hillocks raised on purpose, which were called *Botentines*; whence we may guess our *Butting* to spring. The Word *Abutare* to *Abut* or to Bound End-ways, from the Saxon *Onbutan*, *Butan*, *preter, ultra*. In a Terrier, or Description of the Site of Land, the Sides on the Breadth are properly *adjacentes*, lying or bordering, and the Ends only in Length are *abuttantes*, *abutting* or *bounding*: Which in old Surveys, they sometimes express'd by *capitare*, to Head, whence *Abuttals* are now called *Had-Lands*, i. e. Head-Lands. As in the Rental of *Wye* in *Kent* belonging to the Abbey of *Battle* in *Sussex*. *Tenent octo acras juxta Gores wall. capitantes ad prædictum wallum.*

*Abditorium*, An *Abditory* or Place to hide and preserve Goods, Plate, or Money, or a Chest in which Relicks were kept. As in the Inventory of the Church of *York*. *Mon. Angl. Tom. 3. p. 173. Item unum coffeur, & una pixis de ebore ornata cum argento deaurato. Item tria Abditoria & tres pixides de ebore ornate cum cupro deaurato.*

*Abethed*, Is an old Word, and signifies to be satisfied; from the French *abecher*, to feed.

*Aberemurder*, *Aberemurdrum*, Plain or Right down Murder; as distinguished from the less heinous Crimes of *Manlaughter* and *Chancemedly*. From the Saxon, *Æbere*, apparent, notorious, and *Mord*, Murder. So *Æbere Theof.* a bare, evident, notorious Thief. This *Aberemurder* was declared a capital Offence, without Fine or Commutation by the Laws of *Canute*, cap. 93. *Hoc ex scelorum genere fuit, nullo pretio, etiam apud Saxones nostros, expiabile, cum alia licuit pecuniis commutare, says Spelman, in voce.* And in the Laws of *Hem. 1. c. 12. Ex his placitis quedam emendantur centum solidi, quedam Wera, quedam Wita, quedam non possunt emendari, que sunt Husbreeck, & Berner, & Openthifche, & Eberemorth, &c.*

*Abervagennp. See Gbanium.*

*Abested, i. e. humbled*; from the Fr. *abaïsser*, to depress; and hence the English Words *Base*, and *Abase*.

*Abet, (Abettare)* May be said to proceed from the French *Bouter*, *impellere* or *excitare* (rather from the Saxon *a*, an energetical Article, and *Bedan* to stir up, or excite; from whence the Phrase of *beeting* or *beating* the Fire, i. e. supplying it with more Fuel :) In our Common Law, it signifies as much as to Encourage, or set on. *Abetment (abetum)* the Substantive implies the same. *Staundf. Pl. Cor. 105. As in the Pleas of Parliament, 21 Ed. 1. Furati quasiti per cujus abetum appellum prædictum factum fuit, & prosectum, dicunt quod per abetum Hugonis de Ewere. And Abettor (Abetrator) for him that encourageth, or setteth on. Old Nat. Brev. fol. 21. but both Verb and Noun are always taken in the worst Sense. As Abettors of Murder, are such as command, procure, or counsel others to commit a Murder; and in some Cases such Abettors shall be taken as Principals, in other but as Accessories; and their Presence or Absence at the Doing of the Fact, differences the Case. There are also Abettors in Treason, but they are as Principals; for there are no Accessories in Treason. See *Fleta, lib. 1. cap. 34. Sect. 13. cap. 52. Sect. 35. Coke on Lit. Sect. 475. Staundford's Pleas of the Crown. Rastal's Exposition, &c.**

*Abettatoz, An Abettor. See Abet.*

*Abeyance*, Hath by some been derived from the French *Aboyer*, that is, *allatraye*, to bark at, as Dogs do at a Stranger; but I rather suppose it may come from the French word *Bayer*, to gape after, or to expect: So Children are said *Bayer a la*

*mamme*, who seeing the Dug, they strivingly expect it: So also *bayer a l' argent, qui spe atq; animo pecunia incumbunt*. This Word in *Littleton*, cap. *Discontinuance*, we find thus used, 'The Right of Fee-simple lieth in *Abeysance*, that is, according to his own Interpretation, only in the Remembrance, Intendment and Consideration of the Law. Sir *Edw. Coke* calls it in *gremio legis*. The Frank-tenement of the Glebe of a Parsonage is in no Man, so long as the Parsonage remains void, but is in *Abeysance*. And it is a Maxim in Law, *That of every Land there is Fee-simple in some Man, or else it lies in Abeysance*. Considering and comparing these Places with the Signification of the French Word *Bayer*, it seems more than probable, that our ancient Law-Looks would signifie hereby a Kind of Hope, or longing Expectation, because Things in *Abeysance*, tho' at present in no Man, yet in Hope and Expectation they belong to him that is next to enjoy them. And also in French, a Man that earnestly gazes at any Thing, is termed *un Bayard*, a greedy Beholder. This *Abeysance* cannot be better compar'd, than to that which the *Civilians* call *Hereditatem jacentem*. For as *Bracton* saith, lib. 1. c. 12. num. 10. *Hereditas jacens nullius est hominis ante additionem*, &c. So that (as the *Civilians* say) Lands and Goods do *jacere*; so the common Lawyers say, That Things in like Estate are in *Abeysance* as the *Logicians* term in *posse*, or in Understanding; and as we say, in *nubibus*, in the Clouds, that is, in Consideration of the Law. Read more of this in the *New Terms of the Law*, fol. 6. & *Plov. Rep. Walsingham's Case*. See also lib. 3. cap. 11. fol. 145. & *Perkins*, fol. 12. Co. on Lit. fol. 342. b.

*Abgetoria*, *Abgetorium*, The Alphabet, or A, B, C, as *Mat. Westm.* reports of *St. Patric*—*Abgetoria quoque 345. & eo amplius scripsit, totidem Episcopos ordinavit*. So *Warenus de script. Hibern.* lib. 1. *Baptizavit quotidie homines & illis literas legebat, & Abgetorias*. The *Irish* still call the Alphabet *Abgetitin*.

*Abigevus*, for *Abigenus*, signifies a Thief who hath stoln many Cattle: *Si quis suam surripuit, fur erit, & si quis gregem, Abigevus*. *Bracton*, lib. 3. c. 6.

*Abyngdon*, anciently *Abbundun*, a Town in *Berkshire*, so called soon after *Cissa*, King of the *West-Saxons*, had builit an Abbey there; for before that Time it was called *Clovesham alias Cloveshoe*, where the famous Council was held. The old Book of that Abbey tells us, *Hic sedes regia, hic cum de regni precipuis & arduis tractaretur negotiis, concursus fiebat populi*.

*Abisherfing*, (As *Rastal* in his *Abridgment* expounds it,) Is to be quit of *Amerciaments* before whomsoever of *Transgression* proved. It is called in the *New Terms of the Law*, *Misherfing*; It signifies originally a *Forfeiture*, but much miswritten by the Ignorance of Clerks, since more properly it should be *Misherfing*, *Misherfing* or *Miskering*, according to the learned *Spelman*, in his *Glossary*. Old Authors have termed it a *Freedom* or *Liberty*, because whoever hath this Word inserted in a *Charter* or *Grant*, hath not only the *Forfeitures* and *Amerciaments* of all others within his Fee for *Transgressions*, but also is himself free from the *Controul* of any within that *Compass*.

*Abjuration*, (*Abjuratio*) is a *Renouncing* by Oath; and signifieth in our Law a sworn *Banishment*, or *Forfeiting* of the Realm; *Staundf. Pl. Cor.* lib. 2. cap. 40. saith out of *Polyd. Vigil* 1. So

great was the Devotion towards the Church in King *Edward the Confessor's* Time, till 22 H. 8. that if a Man having committed *Felony*, could get into the Church or Church-yard, before he was apprehended, he might not be taken thence to the usual Trial at Law; but confessing his Fault to the Justices at their Coming, or to the Coroner, might be admitted to his Oath, to *abjure* or forsake the Realm, Anno 7 H. 7. cap. 7. The Form and Effect of this you have in the *Old Abridgment of Statutes*; an ancient Tract, *De Officio Coronatorum*, *Crompton's Office of Coroner*, fol. 260. b. *New Book of Entries*, verb. *Abjuration*. *Horne's Mirror of Justices*, lib. 1. cap. *Del Officio del Coroner*. *Quando aliquis abjuravit Regnum, Crux ei liberata fuit in manu sua portanda in itinere suo per semitas Regias, & vocabatur vexillum Sancta Ecclesia*. *Essex, Plac. Hil.* 26 Ed. 3. This Part of our Law was in some Sort practised by the *Saxons*, as appeareth by the Laws of King *Edward*, set out by Mr. *Lambard*, num. 10. but more directly by the *Normans*; evidenced by the *Grand Customary*, cap. 24. where the Form of the Oath is likewise set down with the Rest of the Proceedings therein, very agreeable with Ours. This Clemency something resembles that of the *Roman Emperors* towards such as fled to the Church, *Lib. 1. Co. tit. 12.* or to the Images themselves *Eod. tit. 25.* And also that of the Cities of Refuge mentioned by *Moses*, *Exod.* 21. 13. *Numb.* 15. 6, 11, 12. *Deut.* 19. 2. *Josh.* 20. 2. Of all the Circumstances belonging to this *Abjuration*, read the *New Terms of the Law*, and *Staundf. ubi supra*. But this grew at last to be but a perpetual Confining of the Offender to some Sanctuary, wherein upon *Abjuration* of his Liberty and free Habitations, he would chuse to spend his Life; as appears Anno 22 H. 8. cap. 14. And by 21 Jac. 1. cap. 28. this Benefit is wholly taken away, and consequently *Abjuration*, 2 Inst. fol. 629. See *Sanctuary*. *Robertus le Tailleour de Drayton, qui suspensus fuit apud Abyngdon, relictus pro mortuo sub furcis, surrexit & fugit ad Ecclesiam de Abyngdon, & ibidem cognovit se esse latronem, & abjuravit Regnum coram coronatore, &c.* Anno 14 Ed. 1.

*Abliadium*, Corn mowed or reaped.

*Abocellus*. This Word is used in *Petrus Ble-sensis. Serm.* 18 & 43. and signifies one who is blind.

*Abolition*, (Anno 25 Hen. 8. cap. 21.) a Destroying, or Putting out of Memory: *Institute actionis peremptio*: 'Tis the Leave given by the King or Judges to a criminal Accuser to desist from farther Prosecution.

*Abridge*, (*Abbreviare*) Cometh of the French *Abreger*, to make shorter in Words, yet still retains the Sense and Substance; but in the Common Law it seems more particularly used for making a Declaration or Count shorter, by substraſting or severing some of the Substance. As for Example, A Man is said to *abridge* his *Plaint* in *Assize*, or a Woman her Demand in an *Action of Dower*, that hath put into the *Plaint*, or Demand, any Land not in the Tenure of the Tenant or Defendant, if the Tenant pleads *Non-tenure*, *Joint-tenancy*, or the like, in Abatement of the Writ, the Demandant may *abridge* his *Plaint*, that is, he may leave out that Part, and pray that the Tenant may answer to the Rest, to which he hath not yet pleaded; and the Reason is, because the Certainty is not set down in such Writs: And tho' the Demandant hath *abridged* his *Plaint* in Part, yet the Writ remains good still



still for the Rest: So that here *Abridger* is not *contrahere*, but rather *subtrahere*. Bro. *Abridgment*, & Anno 21 H. 8. cap. 3. Of this the *Civilians* have no Use, by Reason of certain cautelous Clauses they ordinarily affix to the End of every Article in their Libel or Declaration.

*Abdugment of a Plaint*, (*Abreviamentum*.) See *Abridge*.

*Abducamentum*, Is a Buying of Goods by Wholesale, before they are brought to Market, and Selling them again in Parcels. See *Abroachment*.

*Abrogate*, *Abrogare*, To disanul or repeal; as to abrogate a Law, that is, to lay aside, or repeal it, Anno 5 & 6 E. cap. 3. See *Prorogue*.

*Absentees*, or *Des Absentees*, A Parliament so called, held at Dublin, 10 May, 28 H. 8. and mentioned in Letters Patent, dated 29 H. 8. See Co. 4. Inst. fol. 358.

*Absoniare*, To detest and avoid. As in the Form of Oath among the Saxons, recorded by Mr. Somner. In illi Deo, pro quo sanctum hoc Sanctificatum est, volo esse nunc Domino meo N. fidelis & credibilis, & amare quod amat, & absoniare quod absoniat, per Dei rectum, & seculi competentiam.

*Abuttals*. See *Abbuttals*.

*Ac*. Some Words which begin with *Ac*, are derived from the Saxon *Ac*, which signifies an Oak.

*Accapitum* and *Accapitare*, the same with *Relief*; thus *capitali Domino accapitare*, is to pay a Relief to the Lord.

*Accedas ad Curiam*, Is a Writ that lies for him who has received false Judgment or fears Partiality in a Court-Baron, or Hundred-Court, being directed to the Sheriff, as appeareth by Dyer, fol. 169. num. 20. Like as the Writ *de falso Judicio* lies for him that hath received false Judgment in the County-Court: The Form you may see in F. N. B. fol. 18. d. And in the Register, fol. 9. b. where it is said, 'This Writ lies as well for Justice delayed, as Judgment falsly given: It is a Species of the Writ *Recordare*. Reg. Orig. fol. 56. & F. N. B. ubi supra.

*Accedas ad Vice-Comitem*, Is a Writ directed to the Coroner, commanding him to deliver a Writ to the Sheriff; who having a *Pone* delivered him, suppresses it. Reg. Orig. 83.

*Acceptance*, Is a Taking in good Part, and as it were a Kind of Agreeing to some Act done before by another, which might have been undone and avoided, if such *Acceptance* had not been: For Example, If a Bishop before the Stat. 1 El. lease Part of the Possessions of his Bishoprick for Term of Years, reserving Rent, and dies, and after another is made Bishop; who *accepts*, that is, takes or receives the Rent when it is due, and ought to be paid; by this *Acceptance* the Lease is made good, which else the new Bishop might have avoided: The like is, if Baron and Feme seized of Land in Right of the Feme, joyn and make a Lease or Feoffment by Deed, Reserving Rent; the Baron dies, the Feme receives or *accepts* the Rent; by this the Feoffment or Lease is confirmed, and shall bar her of bringing a *Cui in vita*. Co. on Lit. fol. 211. b.

*Accessory* or *Accessary*. (*Accessorius vel Accessorius*) *Particeps criminis*, Is used in our common Law otherwise than among the *Civilians*; for whereas with them it is generally taken for any Thing depending upon another, here tho' it be so likewise, yet most commonly and notoriously it signifies a Man guilty of a Felonious Offence, not principally; but by Participation, as by Com-

mand, Advice or Concealment. And a Man may be *Accessory* to the Offence of another after two Sorts; by the Common Law, or by Statute; and by the Common Law two Ways also, viz. either before or after the Fact; before the Fact, as where one commandeth or adviseth another to commit a Felony, and is not present at the Execution thereof; for his Presence maketh him also a Principal; wherefore there cannot be an *Accessory* before the Fact in Manslaughter, because Manslaughter is sudden; and not premeditated. Co. Lib. 4. fol. 44. 2. *Accessory* after the Fact, is, when one receives, assists or comforts him whom he knoweth to have committed a Murder or Felony. He who counsels or commands any Evil, shall be judged *Accessory* to all that follows upon it, but not to another distinct Thing. As, I command one to beat another, and he beats him so that the other dies of it, I shall be *Accessory* to his Murder. But if I command one to steal a white Horse, and he steals a black one; or to burn such a House, which he well knows, and he burns another, I shall not be *Accessory*. Where the Principal is pardoned or hath his Clergy, the *Accessory* cannot be arraigned; there being a Maxim in the Law, *Ubi non est principalis, non potest esse accessorius*: For it appears not by the Judgment of Law, that he was Principal; but if the Principal, after Attainder, be pardoned, or hath his Clergy allowed him, there the *Accessory* shall be arraigned. See Sir Edw. Coke's Institutes, Part 2. fol. 183. In the lowest and highest Offences, there are no *Accessories*, but all are Principals; as in Riots, Forceable Entries, and other Transgressions *vi & armis*, which are the lowest Offences; so in the highest, which is Treason, *crimen lesa Majestatis*, there are no *Accessories*; but in Felony there are, both before and after. *Accessory* by Statute, is, he that abetteth, counselleth or concealeth, committing or having committed an Offence made Felony by Statute; for tho' the Statute make no Mention of Abettors, yet they are by Interpretation included. Of all these consult, Staundf. Pl. Cor. lib. 1. cap. 45, 46, 47, 48. There is also an *Accessory* of an *Accessory*, as he that wittingly receiveth an *Accessory* to a Felony; but a Woman in such Case shall not be an *Accessory* for helping her Husband. Lib. Aff. 26. Pl. 51. Coron. Fitz. 197. Staundf. Pl. Cor. lib. 1. cap. 48. Of this Subject, read more in Crompt. Just. fol. 37. b. 38, 39. If a Man counsel a Woman to murder the Child she hath in her Womb, and afterward the Child is born, and then murdered by the Woman in the Absence of him that so gave the Counsel; yet he is *Accessory* by his Counselling before the Birth of the Infant, and not countermanding it. Dyer, fol. 186. pl. 2.

*Accola*, an Husbandman who came from other Parts to till the Land, *eo quod adveniens terram colat*, and is thus distinguished from *incola*, ff. *Accola non propriam, propriam colit incola terram*. Du Fresne.

*Accollade*. A Ceremony used in Knighthood by the King's Putting his Hand about the Knight's Neck, from the Fr. *accoller*, *collum amplecti*.

*Accompt* (*Computus*) Is in the Common Law taken for a Writ or Action, which lies against a Man, that by Means of Office or Business undertaken, is to render an *Accompt* to another, and refuseth; as a Bailiff towards his Master, or Guardian in Soccage towards his Ward, and the like; as you shall find particularized in Fitz. Nat. Brev. fol. 116. And by the Statute of Westm. 2. cap. 1. If the *Accomptant* be found in Arrear, the Auditors

Auditors that are assigned to him, have Power to award him to Prison, there to remain, till he makes Agreement with the Party. But if an *Accountant* be not allowed reasonable Expence and Costs, or charged with more Receipts than he ought, his next Friend may sue a Writ of *Ex parte talis* out of the Chancery, directed to the Sheriff, to take four Mainpernors, to bring his Body before the Barons of the Exchequer at a certain Day, and to warn the Lord to appear there the same Day. See *F. N. B.* fol. 116.

*Accrozd*, That is, an Agreement between Two, or more, to satisfie a Trespass or Offence done by one to another, for which he hath agreed to make Satisfaction, in Recompence; which shall be a good Bar in Law, if the other after the *Accord* performed, should commence any new Action for the same Trespass. *Terms de la ley*, fol. 14.

*Accrouped*: His Conscience *accrouped* him therefore: From the Latin *adculpare*. *Pierce Ploughman*, par. 1. fol. 77.

*Accrocht*, From the French *Accrocher* to fix, hook, clasp or grapple unto: This Word is used *Anno 25 Ed. 3. Stat. 3. cap. 8.* and signifieth there as much as to encroach, and the French use it for Delay, as, *Accrocher un proces*, to delay the Proceedings in a Suit for some Time. *Vide* Encroachment.

*Accmannes Ceaster*, *Accmanni Civitas*. See *Bath*.

*Acephali*. In the Laws of *Hen. 1.* Those are called *Acephali*, who were the Levellers of that Age, and acknowledged no Head or Superiour.

*Achat*, Cometh of the French *Achat*, *emptio* or *nundinatio*, and is taken to signify a Contract or Bargain, *Brook*, Tit. *Contract*. from whence haply *Purveyors* in 36 E. 3. were ordained to be called *Achators*, because of their frequent Bargain-making; hence also with seeming Reason enough may be derived the Word *Cates*, signifying Provision bought in the Market for great Feasts.

*Acherfet*, A Measure of Corn. The Monks of *Peterborough* had for their weekly Allowance 12 *Acherfetos de frumento*, & 8 *Acherfetos de brasso*, & 6 *de grad.* & 11 *Acherfetos de fabis*, &c. The learned Author of the Supplement to the Hist. of the Ch. of *Peterborough*, p. 274. conjectures this Measure to have been the same with our Quarter or Eight Bushels.

*Acolite*, *Acolitus*, An inferiour Church-Servant who next under the *Sub-Deacon*, followed or waited on the *Priests* and *Deacons*, and performed the meaner Offices of lighting the Candles, carrying the Bread and Wine, and paying other servile Attendance. This Officer an *Acolite*, was in our old English called a *Colet*, from which Appellation came the Family of *Dean Colet*, Founder of *Paul's School*.

*Acknowledgment-Money*, on the Death of a Landlord the Tenant pays a Sum of Money in Acknowledgment of the new Landlord.—*Solvet 12 d. ad recognitionem cujuslibet novi Domini de Hope*, &c. *Ex libro Cart. Priorat. Leominstria*, and called in Latin, *Laudatium vel Laudemium*, a *Laudando Domino*.

*Actea*, A Place or Feild where Oaks grow, from the Sax. *Ac*, *quercus* & *Leag*, *locus*, we find it in several Authors, viz. in *Aser*, in the Life of *Elfred*, in *Florence of Worcester* 851. and in *Ethelward*, lib. 4. *Hist. Angl. cap. 3.* *Du Cange*.

*Acquietantia de Shiris & Hundredis*, To be free from Suit and Service in Shires and Hundreds, to which Purpose it is said in *Regist. Priorat. de Cokesford*, *quod prior non debet facere sectam*

*ad Comitatum Norwici vel in Hundredo pro Manerio de Rudham cum pertin.*

*Acquietandis Plegiis*, This Writ we find in the *Register of Writs*, fol. 158. being in Truth a *Fusticies*, and lies for a Surety against a Creditor, that refuseth to acquit him after the Debt is paid.

*Acquietare*. This says *Dr. Wilkins* in his *Glossary* is a Law-Word, and signifies *quietum reddere*. *Vide etiam Spelman Glossar. in voce*. It also sometimes signifies to pay, as in *Monasticon*, Tom. 1. fol. 199. *Tenentur heredes testamenta patrum & aliorum predecessorum suorum servare, & debita eorum acquietare*.

*Acquittal*, Is derived from the French *Acquitter*, as that from the Latin Compound *Acquietare*, and signifies in Law to discharge, or keep in quiet, and that the Tenant be safely kept from any Entries or Molestations for any Manner of Service issuing out of the Land to any Lord, that is above the Mesne; hercof we say, *Et quietus est*, that is, he is discharged. *Co. on Lit. lib. 2. Sect. 184.* It signifieth also ordinarily a Deliverance, and Setting free from the Suspicion or Guilt of an Offence, as he that is discharged of a Felony by Judgment, is said to be *acquietatus de feloniam*, and if it be drawn in Question again, he may plead, *auter foits acquit*. This is Two-fold, *Acquittal in Law*, and *Acquittal in Fact*; *Acquittal in Law* is, when Two are indicted, the one as Principal, the other as Accessory; the Principal being discharged, the Accessory by Consequence is also *acquitted*, and in this Case, as the Accessory is *acquitted* by Law, so is the Principal in *Fact*. *Staundf. Pl. Cor. 168.* *Acquittal in Fact* is either by *Verdict*, or by *Battell*; By *Verdict*, when by a Jury he is found *Not Guilty* of the Offence whereof he is charged; By *Battel*, as when in Appeal, the Plaintiff yieldeth himself *Creant*, or vanquishd in the Field; the Judgment shall be, that the Appellor shall go *quit*, and that he shall recover his Damages. *Co. 2 Inst. 385.* *Acquittal* is also where there is Lord, Tenant and Mesne, and the Tenant holds Lands of the Mesne, and the Mesne holds over of the Lord paramount. Now the Mesne ought to *acquit* the Tenant of all Services claimed by any other for the same Lands; for the Tenant must do his Service to the Mesne only, and not to divers Lords for one Parcel of Land. See *Co. Litt. fol. 100.*

*Acquittance*, *Acquietantia*, cometh from the French *Quiter*, that is, *accepto ferre*, and signifieth a Release or Discharge in Writing of a Sum of Money, or other Duty which ought to be paid or done. Also the Verb (*acquit*) the Participle (*acquitted*) and the Noun (*Acquittal*) signifie a Discharge or Clearing from an Offence objected, as *acquitted* by Proclamation. *Smith de Rep. Ang. pag. 76.* *Staundf. Pl. Cor. 168.* *Brook*, Tit. *Acquittal*. This Word differs from that which in the Civil Law is called *Acceptitatio*, because that may be by Word without Writing, and is nothing but a fained Payment and Discharge, where no real Payment is had. Nor can it be said to be *Apocha*, which is a Witnessing the Payment or Delivery of Money, which discharges not, unless the Money be paid, *Terms de Ley*, verb. *Acquittance*. It was the common Form in Deeds of Sale, Gift or other Conveyance—*Nos autem—Warrantizabimus acquietabimus & defendemus in perpetuum. Pro hac autem warrantia, acquietantia & defensione—* Hence to *quit* any Claim or Pretension, To get *quit* of any Danger or Trouble. *Quite*, i.e. perfectly or entirely, as *quite* discharged

quite Dead, &c. to quite or quot, to satisfy or to quiet, His Stomach is quite quotted.

**Acce**, From the German *Acker*, that is, *Ager*, is a Quantity of Land containing in Length forty Perches, and four in Breadth, or according to that Proportion; be the Length more or less; and if a Man erect any new Cottage, he must lay four Acres of Land to it after this Measure, Anno 31 Ed. cap. 7. With this Measure agrees *Crompton*, in his *Jurisdiction of Courts*, fol. 222. tho' he saith also, That according to the Customs of divers Countries the Perch differeth, being in some Places, and most ordinarily, but sixteen Foot and a Half, but in *Staff*. twenty-four Foot, as was adjudged in the Exchequer, in the Case between Sir *Ed. Aston* and Sir *Joh. B.* In the Statute made concerning sowing Flax, 34 H. 8. c. 4. eight-score Perches make an Acre, which is forty multiplied by four. Also the Ordinance of Measuring Land 35 Ed. 1. agrees with this Account. The word *Acre* at first signified not a determined Quantity of Land, but any open Ground, especially a wide Campaign from the Saxon *Æcer*, a Field, and this antique Sense of it seems preserv'd in the Names of Places; *Castle-Acre*, *West-Acre*, &c. in *Com. Norf.* When the Word was applied to the Measure of Ground, the Quantity was still various, but determined by the Stat. of 31 Ed. 35 Ed. 1, 24 H. 8. For the different Computation of Acres, observe this Note in a Terrier of the Estate belonging to the Prior and Convent of *Burcester Com. Oxon.* A. D. 1339. 1 H. 4. *Qualibet Acre continet duas seliones sum omnibus Furlongis — Exceptis virgis & buttis quarum quatuor virga faciunt unam Acrem, & aliquando plures. Similiter aliquando quatuor buttes, aliquando quinque, aliquando sex, aliquando septem, aliquando Octo faciunt unam Acrem, &c. Paroch. Antiq. p. 534.* Note at the great Dooms-day Inquisition, the common Pasture seems measured by Hides, the Arable-Land by *cavucates*, and the Meadow by Acres.

**Æcer**, An old Sort of Duel fought by single Combatants, *English* and *Scotch*, between the Frontiers of their Kingdom with Sword and Lance. *Ex abusu obtento de voluntate & mandato Domini Regis Anglia & Scotia, non solum simplices Clerici, sed & Abbates & Priores in Diocesi Karleoli, si appellati fuerint ab aliquo de Regno Scotia de re aliqua, & e converso compelluntur cum Lanceis & Gladiis alias inermes duellum, quod dicitur Acrem committere inter fores utriusque regni — Moneatis igitur utrumque Regem — Quod tam detestabilis abusu quoad personas Ecclesiasticas non servetur.* *Annal. Burton, Sub. An. 1237.* Hence I conjecture, as this Sort of judicial Duelling was call'd *Camp-fight*, and the Combatants *Champions* from the open Field that was the Stage of Trial; so *Æcer* among the Saxons being the same with *Campus*, the Borderers on Scotland, who best retained the Saxon Dialect, called such *Camp-fight*, *Æcer-Fecht*, *Acre-Fight*; and sometimes simply *Acre*.

**Acroista**, i. e. Blindness. The right Word is *Acrasia*: But we find in the *Monasticon* pag. 694. *Inter medios homines qui eis insidias tetenderant, quasi Acroisia percussos, ad instar Elisei transferant.* Du Fresnoie.

**Ætilia**, Military Utensils. *Quilibet paratus sit cum Ætiliis & harnesiis, &c. Et quicumque habet decem libras in bonis, & non habuerit omnia etemorum ætilia, perdat omnia bona.* Du Fresnoie.

**Action**, *Actio*, is defined by *Bracton*, lib. 3. c. 1. & 3, in the same Manner as by *Justinian* lib. 4. *Instit. titulo de Actionibus, viz. Actio nihil aliud est*

*quam jus prosequendi in judicio quod alicui debetur*, and is divided into *personalem*, *realem*, & *mixtam*, *Co. Inst. 2. fol. 40.* A personal *Action* is that which one Man may have against another, by Reason of any Contract for Money or Goods, or for any Offence done by him, or some other, for whose Fact he is answerable. *Bract. lib. 3. cap. 3. nu. 2.* A real *Action* is defined to be, whereby a Defendant claims Title to have a Freehold in any Lands or Tenements, Rents or Comons, in Fee-simple, Fee-tail, or for Life. *Bract. ibid. nu. 3.* And every *Action* real is either *Possessory*, that is, of his own Possession and Seisin, or *Ancestrel* of the Seisin or Possession of his Ancestor. *Co. lib. 6. fol. 3.* *Writs of Right, Writs of Entry, &c.* and their several Appendixes, as *Grand cape*, *Petit-cape*, *Receipt*, *View*, *Ayd-Prayer*, *Voucher*, *Counter-plea of Voucher*, *Counter-plea of Warranty*, and *Recovery of Value*, being real *Actions*, took Place, and swell'd the Titles of our Year-Books heretofore, but now grown much out of Use.

**Action mixt**, Is that which lieth as well against or for the Thing which we seek, as against the Person that hath it, and is called *Mixt*, as having a Respect, both to the Thing and the Person, *Bract. lib. 3. ca. nu. 5.* For Example, The Division of an Inheritance between Co-heirs, or Co-partners, called in the Civil Law (*Actio familia eriscunda* :) Secondly, The Division of any particular Thing being common to more, called also (*Actio de communi dividendo*) which *Bracton*, *Cujacius*, *Wesembachius*, allowed to be mixt: Of which *Britton* discourseth at large in his 71 Chap. In the Terms of the Law, verb. *Action mixt*, it is said to be a Suit by the Law, to recover the Thing demanded, and Damages for the Wrong done; as in Assize of No. Diff. which Writ, if the Disseisor make a Feoffment to another, the Disseisee shall have against the Disseisor, and the Feoffee, or other Tenant, and thereby shall recover Seisin of his Land, and Damages for the mean Profits, and the Wrong done; and so is an *Action* of Waste, and *Quare Imp.*

**Action**, Is also divided by the Civilians into *Civilem* & *Pratoriam*, whereof one ariseth out of the Civil Law in general, the other from some *Pratorian* Edict. And a Division not unlike this may be made in the Common Law of England, one Part growing from the ancient Customs, the other from the Statute. *Bro. Tit. Action sur. le Stat.*

**Actions**, Also are divided into Civil, Penal and Mixt. 6 Co. fol. 61. a. *Action Civil* is that which tends only to the Recovery of that which by Reason of any Contract, or other like Cause, is due to us: As if a Man by *Action* seek to recover a Sum of Money formerly lent, &c.

An *Action Penal*, Aims at some Penalty or Punishment in the Party sued, be it Corporal or Pecuniary: As in the *Action Legis Aquilia*, in the Civil Law; and in the Common Law, the next Friends of a Man feloniously slain or wounded, shall pursue the Law against the Offender, and bring him to condign Punishment. *Br. l. 3. c. 4.*

**Action mitt**, Seeks both the Thing whereof we are deprived, and a Penalty for the unjust Detention. As in an *Action* for Tithes upon the Stat. of 2 & 3 E. 6. cap. 13. Item est alia *Action mixta*, quæ dicitur *Actio Hirciscunda*, & locum habet inter eos qui communem habent hereditatem, &c. See *Co. on Lit. fol. 262. b.*



**Action**, Is also (according to the Form of the Writ) divided into such as are conceived to recover either the simple Value of the Thing challenged, or the Double, Treble, or Quadruple. *Bract. lib. 3. cap. 3. nu. 6.* So doth a *Decies tantum* lie against *Embraceors*. *F. N. B. fol. 171.* And against Jurors that take Money for their Verdict of either or both Parties: And any other *Action* upon a Statute that punishes any Offence by Restitution, or Fine proportionable to the Transgression.

**Action**, Also is *Prejudicial*, (otherwise called *Preparatory*) or *Principal*. *Prejudicial*, is that which grows from some Doubt in the *Principal*: As if a Man sue his younger Brother for Land descended from his Father, and it is objected, that he is a Bastard. *Bract. lib. 3. cap. 4. num. 6.* For this Point of Barterdy must be tried, before the Cause can further proceed, and therefore termed *prejudicialis, quia prius judicanda.*

**Action**, Is either *Ancestrel* or *Personal*, *Staundf. Pl. Com. 59.* *Ancestrel* seems to be that which we have by some right descending from our Ancestor: And that *Personal*, which has beginning in and from our selves. There is also *Action Ancestrel Droituel*, and *Action Ancestrel Possessory*, which see in *Co. 2. Inst. f. 291.*

**Action** upon the Case, *Actio super casum*, Is a general *Action* given for Redress of Wrongs done without Force against any Man, and by Law not especially provided for; for when you have any Occasion of Suit, that neither hath a fit nor certain Form prescribed; then the Clerks of the Chancery in ancient Time conceived a fit Form of *Action* for the Fact in Question, which the Civilians call *Actionem in factum*, and the Common Lawyers, *Actionem super casum*. And whereas in the Civil Law, there are two Sorts of these *Actions*; one termed *Actio in factum prescriptis verbis*; the other, *Actio in factum pratoria*; the Former grounded upon Words passed in Contract; the other more generally upon any Fact touching either Contract, or Offence, formerly not provided against: This *Action* upon the Case seemeth more to resemble the *Actio Pratoria in factum*, than the other; because in the Perusal of the Book of *Entries*, & *Bro.* Abridgment, I find that an *Action* upon the Case lieth as well against Offences, as Breach of Contract. See more of this in *Trespas.*

**Action** upon the Statute, *Actio super Statutum*, Is brought upon the Breach of a Statute, whereby an *Action* is given that lay not before; as where one commits Perjury, to the Prejudice of another, he who is endamaged, shall have a Writ upon the Stat. that is, where the Stat. gives the Suit or *Action* to the Party grieved, or otherwise to one Person certain: And this *Action* seems to be like any *Action* in the Law Imperial, either upon *Edictum Pratoris*, *Plebiscitum*, or *Senatus consultum*; for as the *Prator*, so the common People in *Comitiis*, and the Senators or Nobility, in *Curia* or *Senatu*, had Power to make Laws, whereupon the *Prator*, or other Judges permitted *Action*: So our High Court of Parliament make Stat. against such Offences as are either newly grown, or more and more encreased, and the Judges are obliged to entertain their Pleas that commence *Actions* against the Breakers of them.

**Action**, Is perpetual or temporal (*perpetua vel temporalis*) and that is called perpetual, whose Force cannot be determined by Time; of which sort were all civil *Actions* among the Romans, viz.

Such as grew from Laws, Decrees of the Senate or Constitutions of the Emperors, whereas *Actions* granted by the *Prator*, fell within the Year. So we have in England perpetual and temporary *Actions*: And indeed all *Actions* may be called perpetual, that are not expressly limited. As divers Statutes give *Action*, so they be pursued within the Time by them prescribed: As for Example, the Statute of 1 Ed. 6. cap. 1. gives *Action* for 3 Years after the Offences committed, and no longer. And the Statute 7 H. 8. cap. 3. doth the like for four Years; and that of 31 El. cap. 5. for one Year and no more; and the Act for Uniformity, 14 Car. 2. cap. 4. limits some Things to two, some to three Months, and some to more. But as by the Civil Law, no *Actions* were at last so perpetual, but that by Time they might be prescribed against; so in our Common Law, tho' *Actions* may be called perpetual, in Comparison of those that be expressly limited by Statute, yet there is a Means to prescribe against real *Actions* within five Years, by a Fine levied, or a Recovery suffered; as you may see further in the Words *Fine* and *Recovery*, and also *Limitation of Assize*.

**Action** popular, Is given upon the Breach of some Penal Statute, which every Man that will, may sue for himself and the King, by Information, or otherwise: And because this *Action* is not given to one especially but generally to any of the King's People that will sue, it is called an *Action popular*; but in this Case, when one hath begun to pursue an *Action*, no other may sue it; and in this as it seems, it varies from an *Action popular* by the Civil Law. *Terms de Ley.*

**Action**, Is farther divided into *Actionem bona fidei* & *stricti juris*, which Division hath good Use in the Common Law, tho' the Terms are not to be found in any of their Writers; therefore we refer them to the Civilians, and particularly *Wesemb.* in his *Paratitles*, *De Oblig. & act.*

**Action** of a Writ, Is a Phrase of Speech used when one pleads some Matter, by which he shews the Plaintiff had no Cause to have the Writ he brought, yet it may be that he may have another Writ or *Action* for the same Matter. Such a Plea is called a *Plea to the Action of the Writ*; whereas, if by the Plea, it should appear that the Plaintiff hath no Cause to have an *Action* for the Thing demanded, then it shall be called a *Plea to the Action*. *Terms de Ley.*

**Acto**, *Acton*, *Aketon*. A Coat of Mail. *Ex Gallico* Hoqueton, aut Hauqueton, seu potius ex Cambro-Britannico *Aetwm*, *Lorica*, *Dupla*, *Duplodes*, *Du Fresne*. — Tho. Walsingh. in Ed. 3. *Indutus autem fuit Episcopus quadam armatura, quam Aketon vulgariter appellamus.* Stat. Rob. 1. Regis Scot. cap. 27. *Quilibet habent in defensione regni unum sufficientem Aetnem; unum basinetum, & chirothecas de guerra.*

**Acton** Burnel, A Statute so called, made 13 E. 1. An. 1285. ordaining the Statute Merchant, and was so termed from a Place named *Acton Burnel*, where it was made, being a Castle sometime belonging to the Family of Burnel, afterwards of Lovel, in Shropshire.

**Acts** of Parliament, Are positive Laws, which consist of two Parts, that is, the Words of the Act, and the Sense and Meaning, which both joined together make the Law.

**Acto**, The Proctor or Advocate in Civil Courts or Causes. *Actor Dominicus*, was often used for the Lord's Bailiff, or Attorney. *Actor Ecclesie*, was sometime the Forinick Term for the

the Advocate or Pleading Patron of a Church. *Astor villa* was the Steward or Head Bailiff of a Town or Village.

**Aduary**, (*Aduarius*) Is the Clerk or Scribe, that registers the Canons and Constitutions of the Convocation: Also an Officer in the Court Christian, who is in Nature of a Register.

**Adcredulitate**, to purge himself by Oath: *Qui in Collegio fuerit, ubi aliquis occisus est, adcredulitet se quod eum non percussit. Leges Ine. cap. 36. apud Brompton; cap. 34. apud Wilkins*, who interprets it *justificet se*.

**Addition**, (*Additio*) Is both the English and French Word made of the Latin, and signifieth in our Common Law, a Title given to a Man besides his Christian and Surname, shewing his Estate, Degree, Mystery, Trade, Place of Dwelling, &c. As for Example, *Additions* of Estate are *Yeoman*, *Gentleman*, *Esquire*, and such like; *Additions* of Degree, are Names of Dignity, as *Knight*, *Earl*, *Marquess*, *Duke*: *Additions* of Mystery, are *Scrivener*, *Painter*, *Mason*, *Carpenter*, and all other of like Nature; for Mystery is the Craft or Occupation, whereby a Man gets his Living: *Addition* of Towns, as *London*, *Kingston*, *Chester*, &c. and where a Man hath a Household in two Places, he shall be said to dwell in both of them; so that his *Addition* in either shall suffice. That the Word *Knave* was antiently an *Addition*, see *Knave*. For the Use of these *Additions* in Original Writs, of Actions Personal, Appeals and Indictments, it is provided by the Statute 1 H. 5. cap. 5. that in Suits or Actions, where Process of *Utlary* lies, such *Additions* should be to the Name of the Defendant, to shew his Estate, Mystery, and Place where he dwells; and that Writs not having such *Additions*, shall abate, if the Defendant take Exception thereto, but not by the Office of the Court; and this was ordained by that Statute, that one Man might not be vexed or troubled by the *Utlary* of another, but that by reason of the certain *Addition*, every Person may be known, and bear his own Burden: For more particular *Additions* of Town, See Bro. Tit. *Addition*. See also *Crompton Just. of Peace*, fol. 95, 96. Co. 2 Part Inst. fol. 595 & 666. and Stat. 27 El. cap. 7.

**Addoubours**. See *Redoubers*.

**Adeling**, Or *Etheling*, from the Saxon *Ædelan*, or the Dutch *Edel*, signifying Excellent, and was a Title of Honour among the *Angles*, properly pertaining to the King's Children, and Successors of the Crown; whereupon King *Edward* the Confessor being himself without Issue, and intending to make *Edgar* (to whom he was great Uncle by the Mother's side) the Heir of his Kingdom, gave him the Honourable Stile of *Adeling*. Reg. *Howenden*, parte poster. suor. *Annal.* fol. 347. a. *Vide etiam Leges sancti Ed. Conf. M. S. a Will. Conq. recept. cap. antepenult.* It was usual with the Saxons to join the Word *Ling*, which signify'd a Son, or the younger, to the Christian Name; as *Edmundeling* for the Son of *Edmund*; so that *Adeling* signify'd the Son of a King. See more of this Word in *Spelman's Glossary*.

**Adhazure**, *airamire*, *arriamare*, to promise or oblige himself before a Magistrate to do a Thing. *Du Fresne*.

**Ad inquirendum**, Is a Writ *Judicial*, commanding Inquiry to be made of any thing touching a Cause depending in the King's Court for the better Execution of Justice; as of *Baslardy*, *Bondmen*, and such like; whereof see great Diversity in

the Table of the *Judicial Register*, verbo *Ad inquirendum*.

**Adjournment**, (*Adjournamentum*) the same with the French *Adjournement*; and signifies *denunciatio*, or *diei diffio*, that is, by our Common Law an Assignment of a Day, or a putting off until another Day and Place. So *Adjournment* in *Eyre* (25 E. 3. Statute of *Purveyors*, cap. 18.) is an Appointment of a Day, when the Justices in *Eyre* mean to sit again; and *Adjournment* hath the same Signification in 2 E. 3. cap. 11. See Bro. *Abridg.* Tit. *Adjournment*. The Bastard Latin Word (*adjournamentum*) is used among the *Burgundians*, as Mr. *Skene* notes in his Book *de verbo Signif. verbo Adjournatus*, out of *Cassaneus de consuet. Burg.* See *Prologue*.

**Adiratus**, i. e. A Price or Value set upon Things stoln or lost, as a Compensation to the Owner, viz. *Poterit enim rem suam petere ut adiratum per testimonium proborum hominum.* *Bratton*, lib. 3. tract. 2. cap. 32. So in *Fleta*, lib. 1. cap. 38. *Poterit rem suam petere civiliter ut Adiratum*, &c.

**Adjudication**, (*Adjudicatio*) A Settlement by Judgment, Decree or Sentence. 16 & 17 Car. 2. cap. 10.

**Ad jura Regis**, Is a Writ that lies for the King's Clerk against him that sought to eject him, to the Prejudice of the King's Title in Right of his Crown. Reg. of Writs fol. 61. a.

**Adlegiare**, otherwise *Aleier* in Fr. is to purge himself of a Crime by Oath. In the Laws of King *Alfred*, in *Brompt. Chron.* cap. 4. *Si se velit adlegiare*, &c. cap. 13. *Si accusetur, inde adlegiet se per Sexaginta bidas*, &c. *Du Cange*.

**Admeasurement**, (*Admensuratio*) Is a Writ which lyeth for the bringing of those to Reason, or a Mediocrity, that usurp more than their Part; and it lies in two Cases; one is termed *Admeasurement of Dower*, *Admensuratio dotis*, where the Widow of the deceased holdeth from the Heir or his Guardian, more in the Name of her Dower, than of Right is belonging unto her, Reg. Orig. fol. 171. a. *Fitzherb. Nat. Brev.* fol. 148. in which Case the Heir shall be restored to the Overplus. The other is, *Admeasurement of Pasture*, *Admensuratio Pasture*, which lies between those that have Common of Pasture appendant to their Freeholds or Common by Vicinage, in Case any one or more of them do surcharge the Common with more Cattle than they ought. Reg. Orig. fol. 156. b. *F. N. B.* fol. 125. This Writ lies not for the Lord, nor against the Lord, but the Lord may distrain the Beasts of the Tenant that are Surplusage: But if the Lord overcharge the Common, the Commoner hath no Remedy by the Common Law, but an Assize of his Common. *Terms de la ley* 24.

**Adminicle**, (*Adminiculum*) Aid or Support. Anno 1 Ed. 4. cap. 1.

**Administrato**, (*Administrator* in Lat.) Is in the Sense of our Common Law taken for one that hath the Goods of a Man dying intestate, committed to his Charge by the Ordinary; and is accountable for the same, whenever it shall please the Ordinary to call him thereto. In this peculiar Sense, this Word is not used in all the Civil or Canon Law, but more generally for those that have the Government of any Thing. However the Signification came to be restrained among us, it matters not. But there is a Statute made 31 E. 3. cap. 11. whereby Power was given to the Ordinary, to appoint these Administrators, and to authorize them as fully as Executors, to

gather up and dispose the Goods of the deceased, so as they should be accountable for the same as Executors. And before that by the Statute *Westm. 2. 13 E. 1. cap. 19.* it was ordained, That the Goods of Persons dying intestate, should be committed to the Ordinary's Disposition, who should be bound to answer his Debts as far as his Goods would extend. Against such an *Administrator*, and for him, an Action will lye as for an *Executor*, and he shall be charged to the Value of the Goods and no farther, unless by his own *false Plea* or by waisting the Goods of the deceased. If the *Administrator* die, his Executors are not *Administrators*; but it behoves the Ordinary to commit a new Administration. And if a Stranger, that is not *Administrator* or *Executor*, take the Goods of the Deceased, and administer of his own Wrong, he shall be charged and sued as an *Executor*, and not as *Administrator*; but if the Ordinary make a Letter, *Ad colligendum bona defuncti*, he that hath such a Letter, is not *Administrator*; but the Action lies against the Ordinary, as if he had the Goods in his own Hand. *Terms de ley Tit. Administrator.*

*Administrator durante minore etate*, Cannot sell the Goods of the Deceased, unless it be of Necessity, for Payment of Debts, or *bona peritura*, for he hath his Office *pro bono & commodo* of the Infant, and not for his Prejudice, and his Administration ceaseth at the Infant's Age of Seventeen Years. *Co. 5. Rep. Prince's Case.* Where one hath Goods only in an inferior Diocese, yet the Metropolitan of the same Province pretending that he had *bona notabilia* in divers Dioceses, commits *Administration*; this is not void, but voidable by Sentence, because the Metropolitan hath Power over his whole Province; but if the Ordinary of a Diocese commit *Administration*, when the Party hath *bona notabilia*, such *Administration* is merely void, because by no Means he can have Jurisdiction of the Case.

*Administratrix*, (Lat.) She that hath such Power and Goods committed to her.

*Admiral*, (*Admiralis*, *Admirallus*, *Admiralis*, *Capitaneus*, or *Custos maris*) and derived of the French *Amiral*, signifies both with them and with us, a high Officer or Magistrate, that hath the Government of the King's Navy, and the hearing of all Causes belonging to the Sea. *Crompt. Jur. fol. 88. An. 13 R. 2. Cap. 15. 15 R. 2. cap. 3. 2 H. 4. cap. 11. 2 H. 4. cap. 6. 23 H. 8. 15.* This Officer is in all Kingdoms of Europe that border upon the Sea. This Magistrate among the Romans was called *Præfetus classis*, as appeareth by *Tully*, in *Verrem. 7.* Mr. *Guin*, in his Preface to his Reading, believes this Office was first created in the Time of *Ed. 3.* his Reason is this, because *Britton* that wrote in *Ed. the First's* Time, in the Beginning of his Book, taking upon him to name all the Courts of Justice, makes no Mention of this Court, or Magistrate; and *Richard the Second* in the Tenth Year of his Reign, limited his Jurisdiction to the Power he had in his Grandfather *Ed. 3.* his Days. But contrary to this, it appears by some antient Records, that not only in the Days of *Edward the First*, but also of King *John*, all Causes of Merchants and Mariners, and Things happening within the main Sea, were ever tried before the Lord *Admiral*. To this Purpose he hath his Court call'd *The Admiralty*: He hath Cognizance of the Death or Mayhem of a Man committed in any great Ship riding in great Rivers, beneath the Bridges of the same

next the Sea; also to arrest Ships in great Streams, for the Voyages of the King and Realm, and hath Jurisdiction in such Streams during the said Voyages. And Mr. *Pryn* in his *Animadversions on Co. Inst. 4. pa. 75.* says, he had Jurisdiction, both within and without the King's Dominions, of all Causes both of Merchants and Mariners, and might judge them in a summary way, according to the Laws of *Oleron*, and other Sea-Laws. The first Title of *Admiral of England* expressly conferr'd upon a Subject, was given by Patent of *Rich. 2.* to *Richard Fitz-Alen*, Jun. Earl of *Arundel* and *Surrey*, 10 Sep. An. 10. *Rich. 2.* For those who before enjoy'd the Office were simply term'd *Admirals*, though their Jurisdiction seems as large, especially in the Reign of *Ed. 3.* when the Court of *Admiralty* was first erected. *Vid. Spelman in voce*, who gives a Catalogue of the *Admirals* from 8 Hen. 3. to 16 Jac. 1. This Officer in our old Records is styled *Capitaneus Marinariorum*.

*Admission*, Is when the Patron presents to a Church, being void, and the Bishop upon Examination, admits the Clerk able, by saying *Admitto te habilem*. *Co. on Lit. fol. 344. a.*

*Admittendo clerico*, Is a Writ granted to him that hath recovered his Right of Presentation against the Bishop, in the Common Bench, the Form of which you may have in *F. N. B. fol. 38.* And *Reg. Orig. fol. 33. a.*

*Admittendo in Socium*, Is a Writ for the Association of certain Persons to Justices of Assize before appointed. *Reg. Orig. fol. 206. a.*

*Adnichiled*, 28 H. 8. cap. 7. From the Lat. *Nihil*, or as it was written of old *Nichil*, signifies annulled, made void, or brought to nothing.

*Ad Pontem*, *Paunton* in *Lincolnshire*.

*Adquietare*, Is the same as *acquietare*, i. e. to pay: *Petitum est ut Clerus adquietaret novem millia Marcarum. Matt. Paris. Anno 1287.*

*Ad quod Damnum*, Is a Writ that lies to the Sheriff, to inquire what Damage it may be to others for the King to grant a Fair or Market; or for the King, or any other Person to give any Lands holden in Fee-simple, in Mortmain, to any House of Religion, or other Body Politick; for in that Case the Land is said to fall in *manum mortuam*, into a dead hand; that is, it is in such an Estate and Condition, that the Chief Lords lose all hope of *Heriots*, Service of Courts and *Escheats* upon any traitorous or felonious Offence committed by the Tenant; for a Body politick dieth not, neither can perform personal Service, or commit Treason or Felony, as a single Person may. And therefore it seems convenient, that before any such Grant be made, it be known what Prejudice it is like to work either to the Grantor or others. *Fitz. Nat. Brev. fol. 221. Term; de ley 25. Vide Mortmain.*

*Adramire*, *Vid. to Arrain*.

*Adrectare*, *Addrectiare*, *Addressare*, i. e. *ad rectum ire*, *recto stare*, To satisfy, to make Amends—*Gerwas Dorobern. sub anno 1170. Quod erunt coram Domino Rege die quem eis constituerit, ad rectum faciendum & addrectiandum ei, & hominibus suis quod addrectiare debuerunt.* Hence the French still use the Word *Addresser* in this Sense, To do right.

*Ad terminum qui preterit*, Is a Writ of Entry, that lies where a Man having leased Lands or Tenements for Term of Life or Years, and after the Term expired, is held from them by the Tenant, or other Stranger, that occupieth the same, and deforceth the Lessor: In such

Cafe this Writ lies for the Lessor and his Heirs. *Fitzh. Nat. Brev. fol. 201.*

**Advent**, Is a Time comprising a Month, or thereabouts, and begins upon the Sunday, that falls either upon St. Andrew's Day, being the 30th of November, or next after it, and continues till the Feast of the Nativity of our Lord, commonly call'd *Christmas*. *Durandus* tells us it was instituted by St. Peter. The first Week in *Advent* is that which is farthest from the Feast of the Nativity; and that which is nearest, is that which is the last, as appears by this Distich;

Andreae festo vicinior, ordine quovis,  
Adventum Domini feria prima colit.

But Sir Edward Coke, 2 Part Inst. fol. 265. mistakes in saying it ends eight Days after the Epiphany; herein our Ancestors reposed much Reverence and Devotion, in regard of the near Approach of that solemn Feast; insomuch that it is said, *Inter Plac. de tempt. Regis Joh. Ebor. 126.* that In adventu Domini nulla assisa debet capi, all Contentions in Law, were then remitted. Whereupon there was a Statute made Anno 3 E. 1. being *Westm. 1. cap. 48.* that notwithstanding the said usual Solemnity; it might be lawful (in respect of Justice and Charity, which ought at all Times to be regarded) to take Assises of Novel Disseisin, Mortdancer, and Darrein Presentment in the Time of Advent, Septuagesima and Lent. This is also one of the Times from the Beginning whereof to the End of the Octaves of the Epiphany, the Solemnizing of Marriage was forbidden, by reason of certain Spiritual Joy that the Church ought to conceive in the Remembrance of her Spouse, Christ Jesus, and was not without special Licence to be entertained, according to the old Verses,

Conjugium Advēntus prohibet, Hilariq; relaxat;  
Septuagena vetat, sed Paschæ octavo reducit;  
Rogatio vetitat, concedit Trina Potestas.

Vide Rogation-Week and Septuagesima. This Solemn Feast had its Name of *Advent*, because it did so immediately precede the Appearing of our Lord, and therefore was *preparatio sancta in Adventum Domini*.

**Ad ventrem inspiciendum**, Is a Writ mentioned in the Statute of *Esloins. 12 E. 2.* See more in the Title *Ventre inspiciendo*.

**Ad verare**, To *Aver*, to affirm or make good.

**Adultery**, (*Anno 1 H. 7. cap. 4.* and in divers other both Places and Authors termed *Advocry*) in Latin *Adulterium* (as it were *Ad alterius thorum ascendere*) is properly the Sin of Incontinence between two married Persons; yet if but one be married, it is *Adultery*, which is severely punish'd by the Laws of God, and the ancient Laws of the Land; not to mention the *Julian Law*, among the old Romans, which made it Death. *Edmundus Rex Adulterium affici jussit instar homicidii LL. suarum cap. 4. Canutus Rex hominem adulterum in exilium relegari jussit, fœminam nasum & aures præcidi. LL. Par. 2. cap. 6. & 50. Qui uxoratus faciet Adulterium, habet Rex vel Dominus superiorem, Episcopus inferiorem. LL. Hen. 1. cap. 12. Domesday. Tit. Chent, Rex, Dover. — De Adulterio per totam Chent, habet Rex hominem, Archiepiscopus mulierem, exceptâ terrâ Sta. Trinitatis, S. Augustini, &*

*S. Martini, de quibus Rex nihil habet. Et tit. Cestre Civitas — Vidua, si se non legitime commiserat xx s. emendebat, puella vero x s.* The Penalty of this Sin was called *Lairwite* by our Saxons. See in 2 Part Coke's Instit. the notable Case of Margaret, the Wife of John de Camois, who, with the Consent of her Husband, lived in Adultery with Sir William Panck, yet lost her Dower. See Dower. — Rex—Vic. Southt. — *Præcipimus tibi quod diligenter inquiri facias per legales homines de Visn. Candeur. si Robertus Pincerna, habens suspellum Will. Wake qui cum uxore sua Adulterium committeret, prohibuit ei ingressum domus sue, & si idem Will. post prohibitionem illam, domum ipsius Roberti ingressus Adulterium prædictum commisit, inde prefatus Robertus inenitit eum privavit, & si Inquisitio dederit, quod ita sit, tunc eidem Roberto & suis qui cum eo erant ad hoc faciend. ter. & catalla sua, occasione illâ in manum nostram seista, in pace esse facias, donec aliud inde tibi præcipimus, & veritatem illius inquisitionis G. fil. Petri Justic. & Baronibus nostris de seacc. sire fac. Teste G. fil. Petri Com. Essex, apud Wadestoke. 3 Nov. — Claus. 14 Joh. m. 2.* Perhaps this might be in some Degree, pursuant to a Law made by William the Conqueror, That whoever forced a Woman, should lose his Genitals.

**Advocate**, The Ecclesiastical or Church Advocate was of two Sorts. Either 1. Advocate of the Causes and Interest of the Church, retain'd as a Counsellor and Pleader, to maintain the Properties and Rights; Or, 2. Advocate or Patron of the Presentation and Advowson. Both these Offices did originally belong to the same Founder of a Church or Convent, and his Heirs, who were bound to protect and defend the Church, as well as to nominate or present to it. As *Alwin Founder of Ramsey Abby, — Proruit in Medium, se Ramseyensis Ecclesie advocatum, se possessionum ejus tutorem allegans. Lib. Ramf. Sect. 49.* But when the Patrons grew negligent, or were Men of no Interest or Ability in the Courts of Justice, then the Religious began to retain a Law-Advocate, to solicit and prosecute their Controversial Causes. *Vid. Spelman in voce.*

**Advocatione decimarum**, Is a Writ that lieth for the Claim of the fourth Part, or upward, of the Tithes that belong to any Church. *Reg. Orig. fol. 29. b.*

**Avow**, Alias *Avow*, *advocare*, cometh of the French Word *Advouer*, alias *Avouer*, and signifieth as much as to justify or maintain an Act formerly done: For Example, One takes a Distress for Rent, or other Thing, and he that is distrained sueth a Replevin; now he that took the Distress, or to whose Use the Distress was taken by another, justifying or maintaining the Act, is said to *avow*, *Termes de Ley 75.* Hence comes *Advowant* and *Advowry*, *Old. Nat. Brev. fol. 43.* *Bracton* uses the Latin Word in the same Signification (as *Advocatio Disseisine*) lib. 4. cap. 26. and *Cassaneus, de consuet. Burg. pag. 1210.* uses *advocare* in the same Signification. And *pag. 1213.* the Substantive *desavowementum*, for a Disavowing, or Refusal to avow. The Signification of the Word is to bring forth any Thing, viz. when stolen Goods were brought by one, and sold to another, it was lawful for the right Owner to take them where-ever they were found, and he in whose Possession they were found, was bound *advocare*, i. e. to produce the Seller to justify the Sale; and so on till they found the Thief. Afterwards the Word was taken for any Thing which a Man acknowledged to be his own, or done by him, and



in this Sense 'tis mentioned in *Fleta*, lib. 1. cap. 15. Par. 4. *Si Vir ipsum in Domo sua suscepit, nutrit et advocaverit filium suum.*

**Advowee**, alias **Advowe**, (*advocatus*) is used for him that hath Right to present to a Benefice, Anno 25 Edw. 3. Stat. 5. Where we find also *Advowee Paramount*, for the highest Patron, and is spoken of the King. *Advocatus est ad quem pertinet jus Advocationis alicujus Ecclesie, ut ad Ecclesiam, nomine proprio non alieno, possit presentare.* *Fleta*, lib. 5. cap. 14. Fitzb. Nat. Br. fol. 39. useth it in the same Signification. See *Advowee*.

**Advowee Paramount.** See *Advowee*.

**Advowtry.** See *Adultery*.

**Advowzen**, Or **Advowson**, *Advocatio* signifieth in our Common Law a Right to present to a Benefice, and is as much as *jus Patronatus* in the Canon Law: The Reason why it is so termed, proceedeth from this, because they that originally obtained the Right of Presenting to any Church, were Maintainers of, or great Benefactors to that Church, either by Building, or increasing it; and are therefore sometimes termed *Patroni*, sometimes *Advocati*, and sometimes *Defensores*, cap. 4. & 2. de jure Patronatus in Decretal. And *Advowson* being an old Bastard French Word, is used for the Right of Presenting, as appeareth by the Statute of West. 2. 13 Ed. 1. c. 5. And *Advowry* is used in the same Sense, in the Statute of Provisors, 25 Ed. 3. Now *Advowson* is of two Sorts: First, *Advowson in gross*; that is, sole or principal, not belonging to any Manor, as a Parcel of its Right; and secondly, *Advowson appendant*, which depends upon a Manor, as appurtenant to it; termed therefore by *Kitchin* an *Incident*, that it may be separated from the Subject. Of this Mr. *John Skene*, de verbor. Sign. hath these Words, *Dicitur Advocatio Ecclesie, vel quia Patronus alicujus Ecclesie ratione sui juris advocat se ad eandem Ecclesiam & asserit se in eadem habere jus Patronatus, eamque esse sui quasi clientis loco; vel potius cum aliquo (nempe Patronus) advocat alium jure suo ad Ecclesiam vacantem, eumque loco alterius (veluti desuncti) presentat, & quasi exhibet.* No Church could be canonically consecrated, without an Allotment of Manse and Glebe, made generally by the Lord of the Manor, who thereby became *Advocate* or *Patron* of that Church; so as the Lordship of the Manor, and Patronage of the Church were rarely in different Hands, till *Advowsons* were unhappily given to Religious Houses. It had been more to the Honour of this Church and Nation, if *Advowsons* had all continued appendant to the Manor. For then the Patrons had been (as they first were) Parochial Barons, and so Men of Reputation and Interest in each respective Parish. Whereas the Dividing the Lordship of the Manor from the *Advowson* of the Church, has enabled Yeomen and Mechanicks to purchase the Dignity of Patrons from the Nobility and Gentry, to the Prejudice of the Church, and the great Confusion of Degrees and Qualities.

**Advowson of Religious Houses.** As those who built and endow'd a Parish-Church, were by that Title made Patrons of it: So those who founded any House of Religion, had thereby the *Advowson* or Patronage of it. Sometimes the Patron had the sole Nomination of the Prelate, Abbot or Prior; either by Investiture or Delivery of a Pastoral Staff: as *William Marechal*, E. of *Pembroke*, to the Abby of *Notely*, Com. *Buck.* A. D.

1200. Or by direct Presentation to the Diocesan: As *Reginald E.* of *Bolein*, in his Charter to the Priory of *Cold Norton* Com. *Oxon.* 1201. *Non hoc autem pretermittendum est quod Domus illa de nostra donatione est, & Nos ibi Priorem apponere debemus, &c.* If a free Election were left to the Religious, yet a *Conge d'elire*, or License of Electing was first to be obtain'd of the Patron; and the Elect was confirm'd by him. The Patronage of a Convent lapsed to the Lord of the Honour, if the Family of the Founder were extinct: So *Edmund Earl of Cornwall* became Patron of the Nunnery of *Goring*, Com. *Oxon.* by no other Title, than as that House was situate within the Honour of *Wallingford*. See Mr. *Kennet's Paroch. Antiq.* p. 147, 163.

**Aduri Portus:** *Ederington.*

**Ætate B. 214;** from the Sax. *Aylesbury.*

**Ælmsfeoh.** *Pecunia Eleemosynaria, scilicet, Denarii sancti Petri.* Vide *Almsfeoh.*

**Ærie**, Or, **Ary** of *Goshawks* (*Aeria accipitrum*), Is the proper Term for Hawks, for that which of other Birds we call a Nest. Thus it is used, 9 H. 3. cap. 12. in the Charter of the Forest, and divers other Places. *Ærie* comes from the French *Aire*, the proper Term for a Hawk's Nest. So is *Airg* said to signify in Irish. But *Spelman* derives it from Saxon *Eghe*, which the Germans and Normans melted into *Eye*, an Egg; whence *Eye-rie* was a common Name for a Bird's Nest, i. e. the Place or Repository of Eggs. Hence too the *Eye*, or Brood of Pheasants. The Liberty of keeping these *Aeries* of Hawks, was granted as a Privilege to some greater Persons, as in a Charter of *Henry 3.* to the Church of *York*—*In nemore de Blideward habebat Archiepiscopus & Canonici de Ebor. proprios Forestarios suos, & mel, & areas accipitrum & noisorum.*—*Registr. Joh. Romani Archiepi Ebor. MS.* f. 91. The Preserving the *Æries* in the King's Forests and Woods, was one Sort of *Serjeanty*, or Tenure of Land by Service. So An. 20 Ed. 1. *Simon de Raghton & alii tenent terras in Raghton, Com. Cumb. per serjantiam custodiendi Aerias Austurcorum Domini Regis.*

**Ælca**, *Netherby* upon *Esk* in *Cumberland.*

**Ælnecey.** Vide *Esnecey.*

**Æstimatio capitis**, Sax. *Were*, i. e. *pretium hominis.* King *Athelstan* in a great Assembly held at *Exeter*, declared that *Muls* were to be paid pro *æstimatione capitis*; for Offences committed against several Persons, according to their Degrees. The Estimation of the King's Head to be 30000 *Thuringa*, of an Archbishop, or Satrapas, or Prince 15000, of a Bishop or a Senator 3000, of a Priest, or a *Thane* 2000, &c. LL. Hen. 1. and *Cressy's Church History*, fol. 384. b.

**Æstivalia**, A Sort of thin Boots worn in Summer, *æstivalibus largis seu botis pro Calceamentis utuntur.* Addit. ad *Matt. Paris.* pag. 162. *Calceamenta pedum sunt caliga & æstivalia.* Ibid. pag. 168.

**Ætate probanda**, Is a Writ that the King's Tenant holding in chief, by Chivalry, and being Ward, by reason of Nonage, obtaineth to the Escheator of the County where he was born, or where the Land lieth, to enquire whether he be of full Age, to receive his Lands into his own Hands, *Reg. Orig.* f. 294, 295. F. N. B. fol. 253. & 257. he saith that this Writ is sometimes directed to the Sheriff, to impanel a Jury against a Day certain, before Commissioners authorized under the Great Seal, to deal in such a Case. Now out of Use.

**Ætaters,**

**Afferers**, (*Afferatores*, alias *Affidati*) May probably be derived from the French (*Affier*) that is, *affirmare*, *confirmare*; and signifies in the Common Law such as are appointed in Court-Leets, upon Oath, to set the Fines on such as have committed Faults arbitrarily punishable, and have no express Penalty appointed by the Statute. The Form of their Oath you may see in *Kitchin*, fol. 46. The Reason of this Denomination may seem to be, because they that be appointed to that Office, do affirm upon their Oaths, what Penalty they think in Conscience the Offender hath deserved: Another probable Derivation may be from (*seere*) an old English Word signifying a Companion, as (*Gefera*) doth among the Saxons, by Mr. Lambard's Testimony (*verb. contubernalis*;) in his Explication of Saxon Words; and so it may be gathered that *Kitchin* takes it cap. *Amercements*, fol. 78. in these Words, *Mes tiel amerciamento soit affire per pares*; where (*pares*) is *afferers*; and the Reason hereof may be, for that in this Business they are made Companions, or Equals. We find this Word used, 25 Ed. 3. Stat. 7. viz. *The same Justices before their Rising in every Sessions, shall cause to be affected the Amercements*; and also to the same Effect, 26 H. 6. c. 6. And *Kitchin*, fol. 78. joins these three Words together, as Synonima's, viz. *Affidati*, *Amerciatores*, *Affirors*; *Affidare* in the Canon Law is used for *Fidem dare*, *ca. fina. de cognition. spirit. in Decretal.* & *ca. super eo de testibus*. Bracton hath *Affidare mulierem*, to be betrothed to a Woman, lib. 2. cap. 12. But in the Customary of Normandy, cap. 20. this Word (*Affewer*;) the Latin Interpreter expresses by (*Taxare*;) that is, to set the Value of a Thing, and the same with *estimare*, &c. which seems indeed the best Etymology. See *Go. lib. 8. fol. 40. b.*

**Afferi**. See *Averia*.

**Affiance**, Is the plighting of Troth betwixt a Man and a Woman, upon agreement of Marriage to be had between them; the Latin Word (*affidare*) from whence this is derived, is as much, as *fidem ad alium dare*, and this Word *Affiance* is used by Littleton, c. *Dower*, sect. 39.

**Affidare**. To plight one's Faith, or give Fealty, i. e. Fidelity, by making Oath, &c. *Mulier accusata de assisa cerevisie fracta potest sola manu facere legem si voluerit, id est, affidare in manu Ballivi & esse queta, quod si noluerit affidare, amerciabitur per Ballivum. Consuetudinar. Dom. de Farendon MS. f. 22.*

**Affidatio Dominozum**, An Oath taken by the Lords in Parliament, Anno 3 H. 6. Rot. Parl. See *Commendator*.

**Affidatus**, Signifies a Tenant by a Fealty, witness this Charter, *Ego Rogerus, &c. dedi, &c. Willelmo Wallensi pro suo servitio unam acram, &c. pro hac donatione & concessione devenit predictus Will. Affidatus meus, &c. Affidati non proprie Vassalli sunt, sed quasi vassalli, qui in alicujus fidem & clientelam sunt recepti, &c. Affidatio accipitur pro mutua fidelitatis connexionem tam in sponsaliis quam inter Dominum & Vassallum. Proles de affidato & non maritata, non est heres, MS. penes Arth. Trevor. Ar. Affidatus significat also a Retainer.*

**Affidabit**, In Law signifies an Oath, as to make *Affidavit*, is to testify a Thing upon Oath.

**Affidari, seu Affidari ad arma**, To be mustered and enrolled for Soldiers, upon an Oath of Fidelity. — *Rex dilectis* — *Cum assignaveri-*

*mus vos ad superprovidendum quod omnes Homines de Com. Berk. Equitatura & alii armis competentibus muniantur, & ad arma affidantur, & arrai- entur juxta formam Statuti. Consuetud. Dom. de Farendon. MS. fol. 55.*

**Affidatus**, The same with *Affidatus*.

**Affinage**, *Purgatio metalli*, a Refining of Metal; hence to fine, and to refine.

**Affirm**, *Affirmare*, Signifies to ratify or confirm a former Law or Judgment: So is the Substantive (*Affirmance*) used Anno 8 H. 6. cap. 12. And so is the Verb it self by *West. part 2. Symbol. Tit. Fines, sect. 152.* if the Judgment be affirmed, &c. and also by *Crompton* in his *Jurisd.* fol. 166. See 19 H. 7. cap. 20.

**Affirmare**, The same with *Firmare*, i. e. to shut. *Obtulit duo monilia, & jussit ei seretro indelibiliter ad memoriam sui clavis fortiter affirmari. Matt. Paris. Anno 1251.*

**Afforatus**, Appriz'd or valu'd, as Things vendible in a Fair or Market. — *Retinuit Rex potestatem pardonandi ei omnimoda amerciamenta tam afforata, quam non afforata, tam de se quam de omnibus hominibus. Cartularium Glasston. MS. f. 58.* *Afforare* is used in the same Sense: *Et quod amerciamenta predictorum tenentium afforentur & taxentur per sacramentum parium. Charta anno 1316. apud Tbom. Du Cange.*

**Afforciammentum Curie**, The Calling of a Court upon a solemn and extraordinary Occasion. — *Faciant bis in anno Rectum ad hundredum ipsius Abbatibus de Nivetone, scilicet ad Cur. Hokeday, & ad Festum S. Martini. & ad afforciammentum Curie, quotiescunque latro adjudicandus fuerit, vel quum aliqua loquela ibi fuerit, qua terminari non poterit sine afforciammentum Curie. Cartular. Glasston. MS. f. 43.*

**Afforciamment**, A Fortrefs or strong hold, or other Fortification. — *Pro reparatione murorum & aliorum Afforciammentorum dicta civitatis. Pryn Animad. on Coke, f. 184.* *Faciendo unam Sectam per afforciammentum ad curiam Dunbam-Massy. Charta Will. de Tabley tempore Ed. 1. See Efforcement.*

**Afforciant**, Signifies to add, encrease or make stronger: *Cum juratores in veritate dicenda sunt sibi contrarii de consilio curie afforcietur assisa, ita quod apponantur alii juxta numerum majoris partis, que dissenserit (Bracton lib 4. cap. 19.)* that is, Let the Witnesses be encreased.

**Afforciatus**, A thin Cloth used for Caps: *Capa Roberti le Moyne de afforciato albo, &c. Du Cange.*

**Afforist**, Is to turn a Piece of Ground into Forest, *Charta de Foresta, cap. 1. & 30. anno 9 H. 3.* What that is, see more at large in *Forest*.

**Affray**, Cometh of the French Word (*Effrayer*) *terrere*, to affright, and therefore may be without Word or Blow given, and so is the Word used in the Statute of Northampton, 2 E. 3. cap. 3. It is commonly taken for a Skirmish, or fighting between two or more: In our Books it is many Times confounded with an *Affault*, as appears by Lambard, in his *Eirenarcha*, lib. 2. cap. 3. & lib. 1. cap. 17. yet as it is there said, they differ in this, that where an *Affault* is but a Wrong to the Party, an *Affray* is a Wrong to the Commonwealth, and therefore both inquirable and punishable in a Leet. It may be said likewise, that an *Affault* is but of one side, but an *Affray* is the fighting of many together: Besides this Signification already mentioned, it may be taken for a Terror wrought in the Subject by an unlawful Sight

Sight of Violence, &c. as if a Man shew himself furnished with Armour or Weapons not usually worn, it may strike a Fear into others unarmed, and so it is used *anno 2 E. 3. cap. 3. 4 H. 6. 10. 8 E. 4. 5.*

**Affretamentum.** The Freight of a Ship, from the French *Fret*, which signifies the same. — *Sciatis quod cum, ut accepimus nuper in quadam causa niritima pecuniaria viginti & quinque librarum pre-textu Affretamenti medietatis cujusdam Cranere vocate La Christophor de Burston, &c. Pat. 11 H. 4. p. 1. m. 12.*

**Afri, Vel Affra,** Bullocks or other Beasts of the Plough, *Viccomes liberet ei omnia catalla debitoris, exceptis bobus & Affris caruce, West. 2. cap. 18.* And in Northumberland to this Day, they call a dull or slow Horse a *false Aver*, or *Afer*. *Spelmi.* Whence also with Probability enough, may be drawn the Word *Heyfer* for a young Cow.

**Agalma,** the Image or Impression of a Seal: *Ego Dunstanus hanc libertatem crucis agalmate consignavi. Charta Edgari Regis pro Westmonasteria Ecclesia, anno 968.*

**Age, Aetas,** French *aage*, and signifieth in the Language of the Vulgar a Man's Life, from his Birth to the Day of his Death; but in the Common Law it is particularly used for those special Times, which enable Men and Women to do that, which before for want of *Age*, and consequently of Judgment, they might not do: And these Times in a Man are two, at fourteen Years he is at the *Age* of Discretion, twenty-one Years he is of full *Age*. *Littleton lib. 2. cap. 4.* The Law takes Notice of him at several other *Ages*, as at twelve Years, to take the Oath of Allegiance in a Leet; at fourteen to consent to Marriage, and in So-cage to chuse his Guardian. *Dyer, fol. 162.* at fifteen for the Lord to have Aid *pur fair Fitz Chivalier, F. N. B. in brevi de rationabili auxilio.* In a Woman they were six. *Bro. Gard. 7.* First at seven Years of *Age*, her Father being the Lord, might heretofore distrain his Tenants for Aid *pur file marier*, for at those Years she may consent to Matrimony. *Bract. lib. cap. 36. nu. 3.* Secondly, at nine Years old, she is Dowable, for then, or within half a Year after, she is able *promereri dotem & virum sustinere.* *Fleta. lib. 5. cap. 22. Lit. lib. 1. cap. 5.* which *Bracton loco citato* does notwithstanding limit to twelve Years. Thirdly, at twelve Years she is able to ratify and confirm her former Consent given to Matrimony. Fourthly, at fourteen Years she is enabled to receive her Lands into her own Hands, and shall be out of Ward, if she be at that *Age* at her Ancestor's Death. Fifthly, at sixteen Years she shall be out of Ward, though at the Death of her Ancestor, she was under fourteen: The Reason is, because then she may take a Husband able to perform Knight-Service. Sixthly, at twenty-one Years she is able to alienate her Lands and Tenements; besides, as to a Man we may add, that at fifteen Years he shall be sworn to keep the King's Peace, *Anno 34 E. 1. Stat. 3.* The *Age* of twenty-one did heretofore compel a Man to be a Knight that had twenty Pounds Lands *per ann.* in Fee, and that by *1 E. 2. Stat. 1.* which is since repealed by *17 Car. 1. cap. 20.* That *Age* also enables him to contract and deal by himself in the Management of his Estates, which until that Time he cannot do with Security of those that deal with him. The *Age* of twelve binds to Appearance before the Sheriffs and Coroner for Enquiry after Robberies, *Anno 52 H. 3. cap. 24.* The *Age* of 14 Years en-

ables to enter an Order of Religion without Consent of Parents, *Anno 52 H. 4. cap. 17.* See Co. on *Lit. fol. 78. b.*

**Age puer,** (*Aetatem precari, or aetatis precatio*) Is a Petition or Motion made in Court by one in his Minority (having an Action brought against him for Lands coming to him by Descent) that the Action may cease, till he arrive to his full *Age*, which the Court in most Causes ought to yield unto: This is otherwise in the Civil Law, which enforces Children in their Minority to answer by their Tutors or Curators. *W. de minor. 25 anno.*

**Agelocum,** Littleborough upon Trent.

**Agensfrida,** i. e. the true Lord or Owner of any Thing; (*viz.*) *Si porcus non fuerit ibi sepius quam semel, det agensfrida unum solidum.* *Leg. Inx, cap. 50. apud Brompton, cap. 45.*

**Agenthine.** See *Hogenbine.*

**Agent and Patient,** Is when a Man is the Doer of a Thing, and the Party to whom it is done, as where a Woman endows her self of the fairest Possession of her Husband: Also if a Man be indebted to another, and after makes the Party, to whom he is so indebted, his Executor, and dies; the Executor may retain so much of the deceased Goods in his Hands as his own Debt amounts to, and by this Retainer he is Agent and Patient; that is, the Party to whom the Debt is due, and the Party that pays the same. *Sed quare de hoc,* for that it is resolved, *Co. lib. 8. 138.* in *Bobam's Case*, that a Man shall not be Judge in his own Cause, *Quia iniquum est aliquem sui rei esse judicem.*

**Agger Terre,** Is the same with an Acre of Land (*viz.*) *Rex Willielmus misit justiciarios per omnes Anglie Comitatus & inquirere fecit quot agri vel jugera terrar, &c.*

**Agild.** Free from Penalty, not subject to the customary Fine or Imposition. *Leges Aluredi cap. 6.* *Si Utlaga efficiat ut occidatur, pro eo quod contra Dei rectum & Regis imperium stet — jaceat Agild.* *In Legibus Hen. 1. cap. 31.* *Agild* is corruptly put for *Agild.* The Word *Agild* signifies also, a Person so vile, that whoever killed him was to pay no Mulct for his Death. 'Tis derived from the privative *a*, and the Saxon *Geldan, solvere; quasi sine multa.*

**Agiler,** An Observer or Informer, from the Sax. *a* privative and *Gilt, culpa.*

**Agillarius.** A *Hey-ward*, i. e. a *Herd-ward* or Keeper of the Herd of Cattle in a Common Field, sworn at the Lord's Court, by solemn Oath, of which the Form is delivered by *Kitchin of Courts f. 46.* The Office of *Agillarius* was of two Sorts; First the common *Hey-ward* of a Town or Village, to supervise and guard the greater Cattle, or common Herd of Kine and Oxen, to keep them within their due Bounds: He was otherwise called *Bubulcus*, the *Cow-ward* (now turned into a Name of Contempt and Reproach, a pitiful Coward) who, if he was a Cottager, or other servile Tenant, he was exempted from all customary Works and manual Services to the Lord; because he was presumed to be alway attending on his Herd, as a Shepherd on his Flock, who had therefore the like Privilege. — *Sunt ibi xvi Cotari, quorum alii sunt Bubulci, alii sunt Pastores, qui si non essent, deberet quilibet unum opus singulis septimanis per annum.* *Cartular. Glasen. MS. f. 40.* Secondly, the *Agillarius* of the Lord of a Manor, or of a Religious House, who was to take Care of the Tillage, Fencing, Harvest-Work, &c. and



and to see there were no Encroachments, or Trespasses committed on that particular District. The same in Effect with that Officer, who has been called the *Field's-man*. See Mr. Kennets *Paroch. Antiq.* p. 534, 576.

**Agist**, From the French (*Gist*) a Bed or Resting-place, or *giser*, *jacere*, or *gister*, *stabulari*, a Word proper to a Deer, *cum sub mensum Maium e locis abditis in quibus delituit emigrans in loco delecto stabulari incipit*: Unde commodum & propinqua sit pabulatio. *Budeus in Posterior. lib. Philologie*. It signifies in our Common Law to take in and feed the Cattle of Strangers in the King's Forest, and to gather the Money due for the same to the King's Use. *Charta de Foresta. an. 9 H. 3, cap. 9*. The Officers that do this, are called *Agistors*, in English Guest-takers. *Crompt. jur. fol. 146*. These are made by the King's Letters Patent, under the Great Seal of England, of whom the King hath four in every Forest, where he taketh any Pawnage. *Manwood's Forest-Law, cap. 11. fol. 80*. In what their Office consists, see the same *Manwood, part 1. p. 336*: Their Function is termed *Agistment*, as *Agistment upon the Sea-banks, an. 6 H. 6. c. 5*. This *Agist* is also used for the Taking in of other Men's Cattle into any Ground at a certain Rate per Week. See 4 *part. Inst. fol. 293*. The Word *Agist* is also taken for a Charge or Burden on a Thing; as *terre ad custodiam Maris agistate*, (*Selden, Mar. Claus. p. 19*.) are Lands charged with a Tribute to keep out the Sea; or whose Owners are bound to keep up the Sea-Banks.

**Agistor**, The *Agistor* or Forest-Officer, who was to take Account of the Cattle there *agisted*, whether they belong'd to Tenants within the Forest, who had free *Agistment*, or to Foreigners who paid a common Rate. These *Agistores* in an old Version of *Charta de Foresta*, are called *Gist-takers*, or *Walkers*. Hence our Grassiers now call the Foreign Cattle which they take in to keep by the Week, *Gisements*, or *Fuicements* (pronounced like the Joices in Building, corrupted from the French *Adjustment*, the Cross-pieces of Timber that are adjusted or fitted, to make the Frame of the Floor.) And to *gise* or *juice* the Ground, is when the Occupier feeds it not with his own proper Stock, but takes in other Cattle to *agist*, or pasture in it. All Glossographers agree to derive this Word from the French *Gister*, to lie, *Gist* a Bed, &c. But I rather think *Agistamentum* bears Relation to *Ager* the Field, or Feeding-place of Cattle, and might be the same as *Agrarium*, *Agerium*, *Agrotium*, the Profit of Feeding Cattle on such a Ground and Field. Unless it were so, I can hardly imagine, why the Duty or Tax levied for repairing the Bank and Walls in *Romney Marsh*, was call'd *Agistamentum*; and the laying such a Proportion of this Duty upon the several Lands, was called *Agistatio*; and he who was the Collector and Expenditer of it, was termed *Agistor*. See Glossary to *Paroch. Antiq.* in voce *Agistor*.

**Agitatio Animalium in Foresta**, The Drift of Beasts in the Forest. *Leges Foresta*.

**Agus**: Gr. i. e. Holy; as, *Ego triumphalem trophæum agiz crucis impressi*. *Monastic. pag. 15, 17, 122*.

**Agnus Dei**. A small Cake, or Piece of white Wax, commonly in a flat Oval Form, stamped with the Figure of the Lamb of God, and consecrated by the Pope, and then given or sold for a precious Trifle of Superstition.

**Agraria Lex**, Was a Law made by the Romans, for the Distribution of Lands among the common People.

**Agreement**, (*Agreementum* which is according to *Plowden, aggregatio mentium*;) Is a joining together of two or more Minds in any Thing done, or to be done, and this is threefold: 1. An *Agreement* executed already at the Beginning, and of which Mention is made, 25 E. 3. cap. 3. of Cloaths, which saith, *That the Goods bought by Forestallors, being thereof attainted, shall be forfeit to the King, if the Buyer have made Gree with the Seller*: Where the Word (*Gree*) which otherwise is *Agreement* executed, signifies Payment for the Thing, or Satisfaction. 2. An *Agreement* after an Act done, by another, and is executed also; this is where one does an Act, and another agrees to it afterwards. 3. An *Agreement* executory, or to be done *in futuro*, and this is where both Parties at one Time are agreed that such a Thing shall be done in Time to come; which is executory in Regard the Thing is to be done afterwards; for which see 26 H. 8. cap. 3. And this may be divided into two Parts, one which is certain at the Beginning, the other when the Certainty doth not appear at first, and the Parties agree that the Thing shall be performed or paid upon the Certainty known.

**Aide**, *Auxilium*, Is all one in Signification with the French (*Aide*) and differs only in Pronunciation: But in our Law it is applied to divers Significations, as sometimes it signifies a *Subsidy*, as 14 E. 3. Stat. 2. cap. 1. sometimes a *Prestation* due from Tenants to their Lords, as towards the Relief due to the Lord Paramount. *Glancville, lib. 9. c. 8*. This the King or other Lord, might of old lay on their Tenants for Knighting his eldest Son at the Age of fifteen Years, or marrying his Daughter at seven, *Reg. Orig. fol. 87. a.* and that at what Rate themselves listed: But the Stat. of *Westm. 1. an. 3 E. 1.* ordained a Restraint for so unlimited a Demand; and 25 E. 3. Stat. 5. cap. 11. provides, That the Rate set down by the former Statute, should hold in the King as well as other Lords; of which Mention is made 27 H. 8. c. 10. This Imposition seems to have descended to us from Normandy (or rather from a more ancient Original, *The Feodal Laws*;) for in the *Grand Customary, cap. 35.* you have a Tractate intituled, *Des aides Chevelz, i. e. auxiliiis capitalibus*; whereof the first is, *a faire l'eyne fitz de son Seigneur Chevalier*; to make his eldest Son Knight: The Second, *pur une fille marier*; to marry the eldest Daughter; both these, and all Charges incident thereunto, are taken away, and discharged by Stat. 12. Car. 2. cap. 24. But the Word *Aid* differs from *Tax* in Signification: For Taxes were formerly levied at the Will of the Lord upon any Occasion whatsoever; but Aids could not be levied, but where it was lawful and customary so to do; as to make the eldest Son a Knight, to marry the eldest Daughter, or to redeem the Lord from Prison. *Du Cange in verbo auxilium*. This Word is also particularly used in Matter of Pleading, for a Petition made in Court for the Calling in of Help from another that hath an Interest in the Cause in Question, and is likely both to give Strength to the Party that prayeth in *Aid* of him, and also to avoid a Prejudice growing toward his own Right, except it be prevented; as when Tenant for Term of Life, by *Curtesy*, Tenant in Tail after Possibility of Issue extinct, for Term of Years, at Will,

*Will*, or by *Statute Merchant*, being impleaded touching his Estate, may *petere auxilium*, that is, pray in *Aid* of him in the Reversion; that is, desire the Court that he may be called in by Writ, to alledge what he thinks good for the Maintenance both of his Right, and his own; *Termes de la Ley*: But this Course has been much disused. *Fitzherbert* mentions both *Prier in Aide*, and *Prier Aide de Patron*, &c. *auxilium petere a Patrono*. *Nat. Brev. f. 50. d.* And the new Book of *Entries*, verbo *Aide de parcener*, f. 411. col. 4. This Word is also found in 13 R. 2. cap. 17. This *Aide prier* is sometimes also used in the King's Bechoof, that there may be no Proceeding against him, until the King's Counsel be called and heard, to say what they think fit for avoiding the King's Prejudice or Loss; as if the King's Tenant holding in Chief, be demanded a Rent of a common Person, he may pray in *Aid* of the King: Also a City or Borough that has a Fee-Farm of the King, any Thing being demanded against them which belongs thereunto, may pray *Aid* of the King, &c. *Termes de la Ley*, 35, 36. Of this you may read the Statute *De Bigamis*, an. 4 E. 1. cap. 1, 2, 3. & an. 14 E. 3. Stat. 1. cap. 14. The Civil Law in Suits begun between two, allows a Third to come in (*pro interesse*) and he that comes in for his Interest, comes either *assistendo*, or *opponendo*, &c. Sec 19 Car. 2. cap. 8. Vide *Receit*.

*Aiel*, (*Aous*) Comes of the French Word (*Aieul*) and signifies a Writ, which lies where the Grandfather called by our common Lawyers *Besayel*, but in true French *Bisayeu*, was seised in his Demesne, as of Fee, of any Lands and Tenements in Fee-simple, the Day that he died, and a Stranger abares or enters the same Day, and dispossesseth the Heir. F. N. B. fol. 222. See *Plow. Com. fol. 449. b.* And the Customs of *Aiel* and its Appurtenances. *Dorset*, in *Rot. Parl. 4 Ed. 3.*

*Airy of Hawks*. See *Aery*.

*Aisamenta*, *Aysamenta*, *Easements* or Conve-  
niences, from the French *Aise*, *Easy*; or from the Saxon *Eith*, *easy* or ready, which *Chaucer* calls *Eith* and *Eth*, and the *Northumbrians* still use *Eeth*. In Grants of Conveyance and Demise, *Aisamenta* did include any Liberty of Passage, Open Way, Water-course, or other customary Benefit, for the Ease and Accommodation of the Owners and Inhabitants of any House, or the Tenants of any Land. Hence an House of Office is called an *Easement*, commonly a House of *Ease*.

*Aiton*. See *Haketon*.

*Al*, and *Alud* in the Beginning of the Names of Places signify Antiquity, as *Alborough*, *Aldworth*, &c. From the Saxon *Eald*, i. e. *vetustas*.

*Alæ Ecclesiæ*. The Wings or Side, *Isles* of the Church: From the French *Les Ailes de l'Eglise*. — *Ad bases pilariorum murus erat tabulis Marmoreis compositus, qui Chorum cingens & Presbyterium, corpus Ecclesiæ lateribus quæ Alæ vocantur, dividebat. Gervas. Dorobern. in Descript. Eccl. Cantuar.*

*Alanerarius*. *Robertus de Chedworth, Vicecom. Linc. liberavit lvi s. viii d. Johanni de Bellovento, pro putura septem Leporarium, & trium Falconum & Alanerarii, & pro vadiis unius Bracenarii. 16 Ed. 1.* Ancient Tenures, p. 125. where Mr. *Blount* renders *Anelararius*, *Falconer*; but the Learned *Du Fresne* says, *Alanus* was a Dog well known to the Ancients, in Spain still called *Aluno*, (the same I presume with our English *Spaniel*) and therefore thinks *Alanerarius* to be the Keeper or Manager of such Dogs, for the Sport of Hawking.

*Manius Flubius*. The River *Aoon* in *Wiltshire*. It signifies also the River *Alne* in *Northumberland*.

*Alba*, The *Alb*, or *Aub*; the Surplice or white Sacerdotal Vest, used in Divine Service by the officiating Priest, not so plain and Simple as what is now more decently prescribed by our Church. It is likewise called *Camisia*, *Podaris*, *Talaris*, *Subucula*, &c.

*Alba firma*, *Census annualis tqui Centenario sive Domino Hundredi penditur. Ideo Alba dicta, quod non ex more prisii seculi in annona quæ tunc Black-mail nuncupata fuit (hoc est, census vel firma nigra, sed argento, quasi censu albo reddebatur. Spelman. Duplex est tenura in Com. Westmerl. scil. alia per Albam firmam, & alia per Cornagium, &c. 2 Part. Inst. fol. 10.*

*Albergeslum*, the same with *Halsberga*; *Omnis homo, &c. habeat albergeslum*, (i. e. a Defence for his Neck,) & *capellum ferreum, lanceam & gladium. Hoveden, p. 611.*

*Albozough*. See *Esurium*.

*Album*, Used for White Rent, paid in Silver, *Pasch. 6 H. 3. Rot. 1. dorso.*

*Alder*, i. e. the first; as *Alder-best*, the best of all; *Alder-liesest*, the most dear.

*Alderman*, Sax. *Earldorman*, Lat. *Aldermanus*, signifies as much as *Senator*, or *Senior*, and was among the Saxons as *Earl* among the Danes. *Camb. Brit. fol. 107. Lamb. in his Explication of Saxon Words, verbo Senator. Rog. Hoveden. part. posterior. suor. annal. fol. 346. b.* At this Day we call them *Aldermen*, who are Associates to the chief Civil Magistrate of a Town Corporate or City, 24 H. 8. cap. 13. See *Spelman's Glossary* at large on this Word; where you find that here we had anciently a Title of *Aldermannus Totius Angliæ*, Witness this Inscription upon a Tomb in *Ramesey Abbey. Hic requiescit D. Alwinus incliti Regis Eadgari cognatus, totius Angliæ Aldermannus, & hujus sacri Cœnobii miraculosus Fundator.*

*Alderman* was one of the three Degrees of Nobility amongst the Saxons: *Ætheling* was the first, and *Thane* the lowest; but *Alderman* was the same as our *Earl*. The Word was disused in the later Ages of the Saxons, and in its Place the Word *Earl* was introduced. 'Tis certain that it was used in King *Æthelstane's* Reign.

'Tis true, it literally imports no more than *El-der*; but amongst the Saxons it signified a Duke, an *Earl*, a Nobleman, and sometimes a General; but then he was called *Heretoga*, (viz.) *Mercna Heretoga*, *Alderman of Mercia*; which Title he had in Relation to his Military Power: But the Title *Alderman* shewed his Civil Jurisdiction: which Title afterwards was applied to a Judge; as in the Reign of King *Edgar*, *Alwin*, the Son of *Æthelstane*, is called *Aldermannus totius Angliæ* i. e. as *Spelman* tells us, *Jusficiarius Angliæ*.

There was likewise *Aldermannus Hundredi*: Which Dignity was first introduced in the Reign of H. 1. Among his Laws, cap. 8. we read, *Præsit autem singulis hominum novenis decimus, & totus simul hundredo unus de melioribus, & vocetur Aldermannus, qui Dei leges & hominum jura vigilantifudeat observantia promovere. Du Cange. See Senator.*

At this Day we call them *Aldermen* who are Associates to the Civil Magistrate of a City or Town Corporate. 24 H. 8. cap. 13. See *Spelman's Glossary* at large on this Word.

*Alecnarium*, a Sort of Hawk, called a *Lanner*. See *Putura*.

**Alepiman**, (*Alepimannus*) *Omnis Alepinam de tota Soca de Hecham debet singulis annis unum denarium de Chevagio; & operabitur per tres Dies in autumno, exceptis illis qui ab hac servitute liberi sunt.* Confuetudinar. de Hecham Prior Lew. MS. pag. 21. Videtur Alepimannos istos mancipia fuisse; Chevagii enim solutio servitutis Indicium est. Spelman.

**Aler sans jour**, Is French, and signifies properly in English to go without Day; the Meaning whereof is to be finally dismissed the Court, because there is no further Day assigned for Appearance. *Kitchin*, fol. 146.

**Alesilver**, A Rent or Tribute yearly paid to the Lord Mayor of London, by those that sell Ale within the City. *Antiq. Purveyance*, fol. 183.

**Alestake**, a May-Pole, and called *Alestake*, because the Country People drew Ale there: But some will have it not to be like our May-pole, but rather a Stake driven into the Ground, with a Sign on it, that Ale was sold there.

**Alestaffer**, Is an Officer appointed in every Court-Leet, and sworn to look to the Assize of Bread, Ale, or Beer, within the Precincts of that Lordship. *Kitchen*, fol. 46. where you may see the Form of his Oath.

**Alsetum**, A Cauldron or Furnace: Sax. *Alsatb*, compounded, (according to *Du Fresne*) from *Ælan* or *Onelan*, *accendere*; and *Fæt vas*; quasi *Vas calefactiois*. But more likely from *Æle*, *cerevisia*, and *Fæt*; as we still say, the *Ale-fat*, or *Ale-vat*, or Brewing-Vessel. — *Et si aqua judicium sit, calefiat, donec excitetur ad bullitum, & sit Alsetum ferreum, vel æneum, vel plumbeum.* The *Alfret* was a Cauldron in which boiling Water was put for the Criminal to dip his Head in up to the Elbow, and there hold it for some Time; says *Du Fresne* in verbo *Alfretum*. *Leges Athelstani Reg. apud Brompt.* cap. 19.

**Alas**. Vide *Capias alias*.

**Alien**, (*Alienare*) Cometh of the French Word (*aliener*) and signifies as much as to transfer the Property of any Thing to another. To *alien* in *Mortmain*, is to make over Lands or Tenements to a religious House or other Body Politick, *Staundf. Præf. Reg.* fol. 48. See *Mortmain*. To *alien* in Fee, is to sell the Fee-simple of any Land or Tenement, or of any Incorporeal Right. *West.* 2. cap. 25. an. 13 E. 1.

**Alien**, *Alius*, *Alienus*, *Alienigena*, signifies one born in a strange Country; it is usually taken for the contrary to a *Denizen*, or natural Subject; that is, one born in a strange Country, and never here enfranchised. *Bro. Denizen* 4. Yet a Man born out of the Land, so it be within the Limits of the King's Obedience, beyond the Seas, or of any English Parents out of the K.'s Obedience; so the Parents at the Time of the Birth be of such Obedience, is no *Alien* in Account of Law, but a Subject, *Stat.* 2. 25 E. 3. commonly called the Statute *De natis ultra mare*. Also, if one born out of the King's Allegiance, come and dwell in England, his Children begotten here, are not *Aliens*, but *Denizens*. *Co. Rep.* lib. 7. *Calvin's Case*. See *Denizen*.

**Alien-Priories**, Those Cells of the Religious in England, which belonged to foreign Monasteries. These were dissolved by Authority of Parliament, in the Reign of *Hen.* 4. but some were made *Indigena*, or *Endenized*.

**Alienation**, Is to make a Thing another Man's, or to alter and put the Possession of Lands or Tenements, or other Things, from one Man to another. And in some Cases a Man hath Pow-

er so to do without the Assent or Licence of another, and in some not; as if Tenant in Capite alien his Estate without the King's Licence, then by the Stat. of 1 E. 3. cap. 12. a reasonable Fine shall be taken, whereas at the Common Law, before that Statute, they were held forfeit, &c. *Co. lib.* 6. fol. 28. But if a Man will alien Land in Fee-simple to a religious House, or Body Corporate, it behoves him to have the King's Licence to make this *Alienation*, otherwise the Lands shall be forfeit, by the Stat. of 15 R. 2. cap. 5.

**Alfred**, An old Word, signifying allowed; from the Sax. *Alifan*, to allow or permit, from whence we say, such a one hath Leave, &c.

**Alimony**, *Alimonia*, Maintenance: But in a legal Sense, signifies that Allowance that a married Woman sues for, upon any occasional Separation from her Husband; wherein she is not charged with Elopement or Adultery. This Alimony was heretofore called *Rationabile estoverium*, i. e. reasonable Maintenance, as we may see by this Writ: *Rex, &c. Præcipimus tibi quod de Maritagio Emma de Pinckney uxoris Laurentii Penir, qui excommunicatus est, eo quod prædictam Emmam affectione maritali non tractat, eidem Emma Rationabile estoverium suum invenias, donec idem Laurentius vir suus eam tanquam uxorem suam tractaverit, ne iteratus clamor ad nos inde perveniat.* T. 29 Aug. Anno Regni nostri 7 Rot. Claus. 7 Hen. p. 1. m. 3.

**Alinote**. See *Halinode*.

**Allaunds**, Hare-Hounds *ab Alanis Scythia gente*, as *Moloscos* from *Molossi*, a People of *Epirus*.

**Allay**, French, in Latin *Allaya*, is used for the Temper or Mixture of other Metals with Silver and Gold, an. 9 H. 5. Stat. 2. cap. 4. and Stat. 1. cap. 11. The Reason of which *Allay* is with a baser Metal to augment the Weight of the Silver or Gold, so much as may countervail the Prince's Charge in Coinage. *Anton. Faber. de Nummulariorum debitorum solutionibus*, cap. 1. *Allay*, a Pound-weight of right Standard Gold of England, consists of twenty-three Carats, and three Grains and a half of fine Gold, and half a Grain *Allay*. A Pound-Weight of right Standard Silver of England, consists of eleven Ounces of fine Silver, and eighteen Penny-weight *Allay*. Vide *Lownd's Essay* upon Coins, p. 19. The *Allay* of Silver continues the same; but that of Gold is altered, the present Standard of Gold in the Mint being twenty-two Carats fine, and two Carats *Allay*; the Difference of which is only one Carat three Grains and a Half.

**Allegiare**, To excuse, defend, or to justify by Course of Law. — *Si quis se velit allegiare secundum Regis weregilidum hoc faciat.* *Leges Alured.* cap. 4. — *Allegiat se facinoris*, i. e. clear or purge himself of the Crime objected to him. *Ibid.* cap. 16. *Allegiare*, i. e. juxta legem se a crimine, quo impetitur, liberare. Spelman.

**Allegiantia**, *Allegiance*: The Word at first properly implied the due and legal Subjection of every Vassal to his Lord. It is now restrained to the natural and sworn Allegiance or legal Obedience, which every Subject owes to his Prince.

**Aller-Good**. The word *Aller* is to make the Expression signify superlatively; So *Aller-Good* is the greatest Good. Sometimes *alder*.

**Alleviare**, To levy or pay an accustom'd Fine or Composition. *Sokemanni Prioratus de Spalding, debent alleviare filias suas* — i. e. They ought to pay to their Lord the Price of Redemption for their

their Daughters, or to pay an accustomed Rate for Licence to marry them. *Brady, Pref. to Engl. Hist. p. 64.*

**Allocation**, (*Allocatio*) Properly a placing or adding to; but in the Sense of Law it is an Allowance made upon an Account in the *Exchequer*.

**Allocations facienda**, Is a Writ directed to the Lord Treasurer and Barons of the *Exchequer*, upon Complaint of some Accountant, commanding them to allow him such Sums as he has by Virtue of his Office lawfully and reasonably expended. *Regist. Orig. fol. 206. b.*

**Alodial**: This is where an Inheritance is held without paying to any Lord or Superior: And therefore is of another Nature from that which is Feodal or Beneficiary. From the Sax. a privative and *Leod*, vassallus, or rather *Leof*, Dominus, i. e. Held without any Burthen or Vassallage, or without a Superior.

**Aluginosus**, i. e. *Mucidus*.

**Aluminoz**, Is derived from the French word *Allumer*, i. e. *accendere*, and denotes one that by his Trade coloureth or painteth upon Paper or Parchment: And the Reason is, because he gives Light and Ornament by his Colours to the Letters, or other Figures coloured. The Word is used *an. 1 R. 3. cap. 9.* At this Day we call such a one a *Limmer*.

**Almaine ribets**, Is a light Kind of Armour for a Man, with Sleeves of Mail, or Plates of Iron, for the Defence of his Arms; this may seem to have been the Pattern of the Rocket, not long since in Use among us, having loose Sleeves, which the Livery-Cloaks of Noblemen's Coachmen may also seem to imitate.

**Almaria**, for *Amaria*, i. e. the Archives of a Church, a Library. *Omnia etiam Ecclesie Almaria confregit, chartas & privilegia quadam igne cremavit. Gervaf. Doreb. in R. 2.*

**Almery**. See *Ambrey*.

**Almitas**, i. e. *Holines*. *Hac tibi exposui ut certior sis de almitate hujus emeriti viri, &c.*

**Almner** or **Almoner**, (*Eleemosynarius*) Is an Officer of a King's or Prince's House, whose Office is diligently to collect all the Fragments of Victuals, and distribute them daily to the Poor; charitably to visit all Sick, Leprous, Prisoners, poor Widows, and other necessitous and vagrant People, that have no constant Abode: Likewise to receive, and faithfully distribute all cast Horses, Robes, Money, and other Things given in Alms. He ought also by frequent Admonitions, to move the King to bestow his Alms, and especially upon *Saints* or *Holydays*, and to advise him not to give his rich Robes to Players, Sycophants, Flatterers, Whisperers, or Minstrels, but that he command them to be bestowed as an Increase of his Alms. *Fleta. lib. 2. c. 22.* He hath the Forfeiture of *Deodands*, and the Goods of Felons *de se*, which he is to dispose in Alms to the Poor. *Termes de la ley, 39.*

**Almoine**. See *Aumone*, and *Franck-almoyno*.

**Almonarium**, *Almonaria*, *Almeriola*, A Cupboard or Safe, to set up cold and broken Victuals, to be thence distributed for Alms to the Poor. This sort of Repository is in the Northern Parts still called the *Ambry*, *Ambry*, and *Ammery*. — *Nos dedimus totam illam Seldam vocatam le Huse, cum Schopis, Solariis, Stallis, Cistis, & Almorietis, cum omnibus suis pertinentiis. Cart. 5 Rich. 2. Cartular. Hospital. SS. Trinit. de Pontefraeto MS. f. 44.*

**Almesfeoh** or **Almesfeoh**, Saxon; that is, Alms-Money: It was taken for *Peter-Pence*, anciently paid in *England*, on the first of *August*, and first given by *Ina* King of the *West Saxons*. It was called also *Romefeoh*, *Romescot*, and *Heortþening*. *Selden's Hist. Tysbes, pag. 217.*

**Almond**, *Amygdalum*, Is well known to every Man's Sight, being the Kernel of a Nut, of whose Nature and Diversities, read *Gerard's Herbal, lib. 3. cap. 87.* This is noted among Merchandize, that are to be garbled, *anno 1 Fac. cap. 19.*

**Almond-furnace**. At the Silver Mills in *Cardiganshire*, they have a particular Furnace, in which they melt the Slags or Refuse of the Licharge not stamped, with Char-coal only, which they call the *Almond*, or *Almond-Furnace*. Perhaps *All-mary*, Sax. *All-menyth*, mixt all together.

**Almutium**: This is a Garment which covers the Head and Shoulders of the Priest. *Quæsit Episcopus in quali habitu esset? Responsum est quod tunica de Burneto & almutio sine cuculla. W. Thorn. 1330.*

**Alnage**, French *Aulnage*; the Measuring with an Ell, or the Measure of an Ell. *17 E. 4. cap. 5. See Alnager.*

**Alnager**, **Alnageoz**, **Alnager**, **Alneger**. In Latin *Ulniger* or *Ulnator*; that is, a Measurer by the Ell: It may be derived from the French word *Aulne*, an Ell, and signifies a publick sworn Officers of the King's, who by himself, or his Deputy, looks to the Affize of Woollen Cloth made thro' the Land, and to the Seals for that purpose ordained, *25 E. 3. Stat. 4. cap. 1. and 3 R. 2. c. 2.* who is accountable to the King, for every Cloth so sealed in a Fee or Custom thereunto belonging. *anno 17 R. 2. cap. 2.* Read of this more, *27 E. 3. 4. 1 H. 4. 13. 7 H. 4. 10. 11 H. 4. 6. 12 H. 4. 4. 11 H. 6. 9. 31 H. 6. 5. 4 E. 4. 1. 8 E. 4. 1. & 1 H. 3. 8.* There are now three Officers belonging to the Regulation of Clothing, all which were anciently comprised in one Person. These bear the distinct Names of *Searcher*, *Measurer*, and *Alneger*; which last, though in a several Language, it be the same with *Measurer*; yet long Usage and Custom have brought them to distinct Offices, and that which was anciently called *Alnager*, is now become Collector of the Subsidy granted to the King, by the fore-mentioned Statutes, still holding the same Name; because the Collection of that Subsidy was by *Edw. III.* committed to the *Alneger*, and he nevertheless not abridged of measuring, till by his own Neglect separated: Inasmuch as there is now a peculiar *Measurer* to every particular Cloth made in *England* and *Wales*: And to prevent Abuses, an Officer of *Searching* is established by an Act of Parliament, who ought by peculiar Seal, to denote the Defects which each Cloth contains. All these were anciently under the Cognizance of the *Alneger*, as you may read at large in a Treatise, entitled *The Golden Fleece*, Printed *an. 1556.* See *4 Inst. fol. 31.*

**Alne**, a River in *Northumberland*.

**Alnetum**, *est ubi alni arbores crescunt*, a Place where Alder-Trees grow: *Unum Pomarium & unum Alnetum, & unum Sokemannum, & decem Libratas terre. Pat. 16 H. 3. Par. 1. m. 8.* It also often occurs in *Domesday*.

**Alodium**, Signifies a Manor, and *Alodarii* or *Alodarii*, the Lords of the same Manor. The old Translation of the Saxon Laws useth this Word for *Bockland*. And *Alodii*, or rather, as I believe, *Alodacii*, for them that hold *Bockland* or *Charterlands*. *Quando moritur Alodarius, Rex inde habet rele-*



*relevationem terra, &c. Domesday, Rent. and Coke's 1 Inst. fol. 1 and 5. See Fee.*

*Alton, Whiteley in Northumberland.*

*Aloderium; a Purse. 'Tis mention'd in Fleta, lib. 2. cap. 82. par. 2. Tritura ceres ac ventricis nequicquam bladi fuerunt in suis sotularibus, Ciroticis, Aloveriis, burfis, panteneriis vel sacculis.*

*Altarage, Altaragium; This Word includes not only the Offerings made upon the Altar, but also all the Profit that arises to the Priest by Reason of the Altar, Obventio Altaris, as appears by an Order made in the Term of St. Michael 21 Eliz. viz. in the Exchequer, between Turner Vicar of Westhaddon in Com. Northamp. and Andrews, whereby it is declared, That by Altaragium is meant Tithes of Wool, Lamb, Colt, Calf, Pigs, Goslings, Chickens, Butter, Cheese, Hemp, Flax, Honey, Fruits, Herbs, and other such small Tithes, with Offerings that shall be due in the Parish of Westhaddon. This Order is as follows, viz.*

*Northampton, ff. Inter ordines sive decreta de Terminis Sancti Mich. Anno 21 Eliz. in Scaccario remanentes, & in custodia Rememoratoris Regis inter alia continetur sic.*

Jovis, 12 Die Nov.

**U**Pon the hearing of the Matter betwixt Ralph Turner, Vicar of West Haddon, and Edward Andrews, it is ordered, that the said Vicar shall have, by Reason of the Words (Altaragium cum manso competentis) contained in the Composition of the Profits assigned for the Vicar's Maintenance, all such Things as he ought to have by these Words, according to the Definition thereof made by the Reverend Father in God, John, Bishop of London, upon Conference with the Civilians, viz. David Hewes, Judge of the Admiralty, Bartholomew Clark, Dean of the Archer, John Gibson, Henry Jones, Lawrence Hewes and Edward Stanhope, all Doctors of the Civil Law, that is to say, By Altaragium, Tithes of Wool, Lamb, Colt, Calf, Pigs, Goslings, Chickens, Butter, Cheese, Hemp, Flax, Honey, Fruits, Herbs, and such other small Tythes, with Offerings, that shall be due within the Parish of Westhaddon.

And the like Case was for Norton in Northamptonshire, of a later Date, Oblationes sive nummorum sive panum tali vel tali Altari, vel ex devotione, vel ex consuetudine, aut a Parochianis, aut ab extraneis facta, Altaragii nomine censebantur. Gloss. in Mat. Paris. The Word Altarage could signifie at first no more, than the casual Profits arising to the Priest, from the Peoples voluntary Oblations at the Altar. Out of these Customary Dues, the Religious assigned a Portion to the Vicar; but in such different Quantity and Method, that since the Reformation, several Disputes have arose, what Dues were comprehended under the Title of Altaragium; which was remarkably determined to comprize all Offerings and small Tithes, in a Trial in the Exchequer, in Mich. Term. 21 Eliz. Which Judgment, I presume, might be grounded on this and other Authorities: The Ordination of the Vicarage of Tickhill by Walter Grey, Archbishop of York, Anno Dom. 1249, & Anno Pontificat. 33. Vicarius ad sustentationem sui—habeat totum Altaragium, ita quod nomine Altaragii continentur omnes obventiones, Decime & proventus ipsius Ecclesia de Tickhill, exceptis Decimis bladi, leguminis, & fœni, & terris ad distam Ecclesiam pertinentibus, salvo competente manso Vicario assignando. Mon. Ang. Tom. 3. p. 158. b. Hence, though it seems to be

certain, That the Religious when they first allotted the Altaragium in Part or Whole, to the Capellane or Vicar, they meant only the arbitrary or accustomed Offerings at the Altar, and not any Share of the standing Tithe, whether Predial or Mixt. Yet it being usual for the Religious to content themselves with the greater Profits of Glebe and Tenths of Corn and Hay, and to leave the inconsiderable small Tithes to the Officiating Priests: Hence Altaragium by Degrees was supposed to include all Dues, except as before excepted. Oblationes sive nummorum, sive panum tali vel tali Altari, vel ex devotione vel ex consuetudine, aut a Parochianis, aut ab extraneis facta, Altaragii nomine censebantur. Gloss. in Mat. Paris.

*Alto & Basso, or In Alto & in Basso. By this is meant the absolute Submission of all Differences, small and great, high and low. Pateat Universis, &c. quod W. T. de Y. & T. G. de A. posuerunt se in Alto & Basso, in arbitrio quatuor bonorum, &c. de quadam querela, &c. Dat. apud A. die Mercurii prox. post Fest. Conceptionis B. Mar. Virg. anno 2 H. 5. And the like Signification it hath in Plac. coram Rege Hil. 18 E. 1. Ipse Prior venit & Bogo similiter, & ponunt se in gratiam, misericordiam & voluntatem Regis de Alto & Basso, ad quod mandantur Turri London, &c. Nos & terram nostram Alte & Basse ipsius Domini Regis supposuimus voluntati. Du Fresne.*

*Altus Justiciarius. See Justiciarius.*

*Alvetum. Habet Alvetum insula permaximum. Matt. Westm. 189. It is the same as Alnetum, which see.*

*Amabyr, vel Amvabir, Pretium Virginitatis domino solvendum LL. Gul. Howeli Dha. Regis Walliæ. Puella dicitur esse desertum Regis, & ob hoc Regis est de ea Amvabir habere. This Custom was in the Honour of Clun, till Henry Earl of Arundel, by his Deed dated 31 Aug. 3, 4. Phil. & Mar. released it to his Tenants, by the Name of The Custom of Amabyr and Chevage.*

*Amayl, Enamel. Una Cuppa rubea de Samy bene brudata imaginibus in tabernaculis, cum uno Nouche nobili de argento cum solutione protratta in Amayl saphyri coloris. Histor. Elien. apud Wharton. Angl. Sac. P. 1. p. 642. Prior Eliensis contulit Altari unum dorsale magnum, & duas pelves argenteas nobiles & pulcras quarum labra sunt per gyrum deaurata, & in fundo Amayl inserti in opere artificioso. Ib. p. 649.*

*Amibactus, i. e. a Servant or Client.*

*Amibidreter, Properly denotes a Man that can equally use both his Hands: But in a legal Sense, it signifies, That Juror or Embraceor, that takes Money of both Parties for the Giving of his Verdict, for which he forfeits Decies tantum, ten Times as much as he takes. 38 E. 3. 12. Cromp. Just. of Peace, fol. 156. b.*

*Amora, Sax. Amber, Lat. Amphora: A Vessel among our Saxons, the Quantity now not known: But I have seen in an old Deed Mention of Ambra Salis. It was not only a Measure of Salt, but of Beer, Butter, Meal, &c. as appears by these Authorities. Leges Ina West-Sax. Tit. 74. Ambra Cerevisse Walliæ; plena Ambra butyri. Leges Adelstani Regis Tit. 3. De duabus meis firmis, dent eis singulis mensibus Ambra plena farina.*

*Amaz, (King's Proclamation in 1663.) Vide Aume.*

*Amby, The Place where the Arms, Plate, Vessels and every Thing which belonged to House-keeping, were kept: And probably the*



*Ambry* at *Westminster* is so called, because formerly set apart for that Use: Or rather it should be called the *Aumony* (Lat. *Eleemosynaria*) a House adjoining to an Abbey, in which the Charities were laid up, and from thence distributed to the Poor.

*Amendable*, From the French Word *Amener*, *Adducere*, to lead unto; or as some *Amaynable*, deducting it from (*Main*) a Hand: It signifies *Tractable*, that may be led or governed. It is applied in our Law-Books to a Woman, that is governable by her Husband.

*Amendment*, *Emendatio*, Signifies in our Common Law, a Correction of an Error committed in a Process, and espied before Judgment, and sometimes after the Party's seeking Advantage by the Error. *Terms de la Ley*. Bro. Tit. *Amendment per tot*. But if the Fault be found after Judgment given, the Party that will redress it, is driven to his Writ of Error. Bro. Tit. *Error and Amendment*.

*Amercement*, *Amercamentum*, (From the Fr. *Merci*, i. e. *Misericordia*) Signifies the pecuniary Punishment of an Offender against the King, or other Lord, in his Court, that is found to be in *Misericordia*; that is, to have offended, and to stand at the Mercy of the King or Lord. There seems to be a Difference between *Amercement* and *Fines*. *Kitchin*, fol. 214. For *Fines*, as they are taken for Punishments, be certain, and grow expressly from some Statute, but *Amercements* are such as be arbitrarily impos'd by *Affessors*, which *Kitchin*, fol. 78. in some Manner confirms in these Words *L'amerement est affire per pares*. *Manwood* in his *Forest Laws*, part 1. fol. 166. saith, An *Amercement* is a more easy, more merciful Penalty, and a *Fine* more sharp or grievous: His Words are these, *If the Pledges for such a Trespass do appear by common Summons, but not the Defendant himself, then the Pledges shall be imprisoned for that Default of the Defendant. But otherwise it is, if the Defendant himself do appear and be ready in Court before the Lord Jus. i. e. in Eyre, to receive his Judgment, and pay his Fine: But if such Pledges do make Default, in that Case the Pledges shall be amerced, but not fined*. So that an *Amercement* is for a small Fault, and a *Fine* for a great One. The Author of the *New Terms of Law*, saith, That *Amercement* is properly a Penalty assessed by the Peers or Equals of the Party *amerced*, for an Offence done; for the which he putteth himself upon the Mercy of the Lord: Who also makes Mention of an *Amercement Royal*, and defines it to be a pecuniary Punishment laid upon a Sheriff, Coroner, or such like Officer of the King, by Justices, for some Offence. *Ratcliff Baron of the Exchequer*. 2 H. 7. fol. 7. See *Misericordia*. If the *Amercement* were too grievous, i. e. disproportioned to the Nature of the Offence, or the Abilities of the Offender, there was a Release to be sued by a Writ called *Moderata Misericordia*. *Amercementa inevitabilia* were such *Amercements* as thro' Poverty, or Escape of the *Amerced*, became desperate Debts, and were deducted in the Accounts of the Bayliff, or Steward, or Collectors of Rents and other Dues. So A. D. 1425. the Prior and Canons of *Burcester*, allowed to the Receiver of their Rents at *Kirthington* — *In allocatis eidem pro Amerciamentis inevitabilibus hoc anno sex denarios*. See Mr. *Kennet's Paroch. Antiq.* 573. and *Glossary*, in voce *Amercamentum*.

*Amictus*, a Priestly Garment; from the Lat. *Amictus*.

*Amictia*, (the same with *Almutium*) a Cap made with Goat's or Lamb's Skins: That Part of it which covered the Head was square; and one Part of it hung behind, and covered the Neck. 'Tis mentioned in the *Monasticon*, 3 Tom. pag. 36. *Pennulas autem hujus amictiarum caprinas esse volumus vel agninas*.

*Amictus*, was the uppermost of the six Garments worn by Priests; it was tied round the Neck, *ne inde ad linguam transeat mendacium*; and it covered the Breast and Heart, *ne vanitates cogitet*. *Amictus*, *Alba*, *Cingulum*, *Stola*, *Manipulus* & *Planeta*.

*Amittere legem terræ*, To lose the Liberty of Swearing in any Court, or (as Sir *Edw. Coke* says) to become infamous, is used by *Glanvil*, lib. 2. cap. 3. for the Punishment of the Champion, over-come or yielding in Battle, upon a Writ of Right, and of Jurors found guilty in a Writ of Attaint. *Selden's* Titles of Honour.

*Amictus*, to enamel. 'Tis often mentioned in the *Monasticon*, 3 Tom. pag. 170, 332.

*Amobragium*. — *Richardus de Pynelesdon*, tenet terras in *Worthenbury* in *Partibus de Muiler*, Com. *Flint*. quæ tenentur de *Domino Rege* per certa servitia, & per *Ammobragium* quod ad quinque solidos extenditur cum acciderit. — Pat. 7 Ed. 2. m. 7.

*Amnitiæ Insulæ*, Isles upon the West Coast of Britain.

*Amnestia*, *Oblivio*, as an *Amnesia*, or Act of Oblivion, such as was granted by King *Charles* 2d. at his Restoration.

*Amortization*, *Amortizatio*, French *Amortissement*, est *prædiorum translatio in Manum mortuam quod tamen sine venia Principis non fiat*. *Fus* *Amortizationis*, est *privilegium seu licentia capiendi in Manum mortuam*. In the Statute *De libertatibus perquirendis* 27 E. 1. this Word *Amortissement* is used. See *Mortmain*.

*Amortise*, (from the French Word *Amortir*) Is to aliene Lands or Tenements to any Corporation, Guild or Fraternity, and their Successors, which cannot be done without Licence of the King, and the Lord of the Manor. 15 R. 2. c. 5. See *Mortmain*, and the Statute of *Amortizing Lands*, made tempore *Ed. 1*.

*Amoveas manum*. See *Ouster le main*.

*Ampliation*, *Ampliatio*, properly an Enlargement; but in Sense of Law, denotes a Referring of Judgment, till the Cause be further examin'd.

*Amv*, *Anicus*, As in Law *Prochein Amie*, is the next to be trusted for an Orphan, or Infant.

*Amptte*. The Garment with which the Priest, in Sacrificing, covered his Head and Shoulders. From the Lat. *Amictus*.

*Analogium*. *Rex Johannes* concedit *Jordano* de *London* *Analogium* *dumista* apud *Bray* in feudo. Rot. Cart. 7. *Joh. m. 1*.

*An*, *Flour & Waste*. (*Anus*, *Dies* & *Vastum*.) Look Year, Day and Waste.

*Analogium*, a Pulpit.

*Anabus*, i. e. *Mendosus*.

*Anar*, i. e. a King.

*Ancalites*, the Hundred of *Henley*.

*Ancafter*. See *Crococalana*.

*Ancestor*, *Antecessor*, The Signification is well known; and the Law makes this Difference between that and Predecessor, that *Ancestor* is applied to a natural Person, as *J. S.* and his *Ancestors*; the other to a Body Politick or Corporate, as a Bishop and his Predecessors. Co. on Lit. lib. 2. cap. 4. sect. 103. The Word *Antecessor* in the Forinick

rinſick Senſe was not properly applied to the *Anceſtor* of a Family; but either to the Prepoſſeſſor of an Eſtate, or the Predeceſſor in an Office.

*Anceſſel*, as *Homage Anceſſel*; that is, Homage that hath been done or performed by one's *Anceſtors*. See *Homage*.

*Anchorage*, (*Anchoragium*) A Duty taken of Ships for the *Pool* of the Haven where they caſt *Anchor*, *MS. Arth. Trevor Ar.* For no Man can let any *Anchor* fall on the King's Ground in any Port, without paying for it to the King's Officer appointed by Patent.

*Anchient*, *Anſhent*, The Flag or Streamer in the Stern of a Ship. The Seamen are the greateſt Corrupters of Words; Thus from the Portugal Word *Allagerto* a Crocodile, our Mariners call that Beaſt or Fiſh an *Allegator*. And from the Portuguez *Loguſta*, they call the prickly Lobſter, that wants Legs, common in the Southern Sea, a *Long-Oyſter*. So probably from *End-sheet* (for Seamen call their Sails Sheets) a proper Name for the Flag in the Stern, they corruptly ſpeak *Anſhent*.

*Anients*, In the *Middle-Temple*, ſuch as are paſt their Reading, and never read, are *Anients*. In *Gray's Inn* the Society conſiſts of *Benchers*, *Ancients*, *Barriſters* and *Students* under the Bar, and here the *Anients* are of the more *Ancient Barriſters*. The *Inns of Chancery* conſiſt of *Anients* and *Students*, or *Clerks*, and among the *Ancients*, one is Yearly the *Principal* or *Treſurer*.

*Ancient Demain* or *Demeſne*; (*Vetus Patrimonium Domini*) Is a certain *Tenure*, whereby all Manors belonging to the Crown in the Days of Saint *Edward*, or *William the Conqueror*, were held. The Numbers and Names of which Manors, as of all others belonging to common Perſons, after a Survey made of them, he cauſed to be written in a Book, now remaining in the *Exchequer*, and call'd *Doomſday*. And thoſe, which by that Book appear to have at that Time belonged to the Crown, and are contained under the Title *Terra Regis*, are called *Ancient Demeſne*. *Kitchin, fol. 98.* Of theſe Tenants were two Sorts; one that held their Lands frankly by Charter, the other by Copy of Court-Roll, or by the Verge at the Will of the Lord, according to the Cuſtom of the Manor. *Britton, cap. 66. num. 8.* The Benefit of this *Tenure* conſiſts in theſe Points: 1. The Tenants holding by Charter, cannot be impleaded out of their Manor; or if they be, they may abate the Writ by Pleading their *Tenure*, before or after Anſwer made. 2. They are free from Toll for all Things concerning their Livelihood and Husbandry. They may not be empannelled upon any Enqueſt. *F. N. B. fol. 14. d. & fol. 228. &c.* By whom it appears, theſe Tenants held originally by Ploughing the King's Lands, plaiſhing his Hedges, or ſuch like, towards the Maintenance of his Houſhold; for which Cauſe they had ſuch Liberties granted to them: And to avoid Diſturbances, they may have Writs to ſuch as take Duties of Toll, as alſo Immunity of Portage, Paſſage and ſuch like. No Lands ought to be eſteemed *Ancient Demeſne*, but ſuch as are held in *So-cage*. See *Monſtraverunt* and *Demayn*.

*Anciente*, (*French Anciennete*, that is, *Antiquitas*) It is uſed in *Statuto Hibernie*, 14 H. 3. for Seniority. As, *The eldeſt Siſter can demand no more than her other Siſters, by Reaſon of her Anciency.*

*Anconies* of Iron: At the Iron Works, in the Forge, called the *Finery*; they work the Metal by the Hammer, till they bring it into *Blooms*

and *Anconies*; a *Bloom* is a four-square Maſs two Foot long, which they afterwards by heating and working, bring to an *Ancony*, the Figure whereof is in the Middle a Bar about three Foot long, of that Shape which they intend the whole Bar ſhall be after made, leaving at each End a ſquare rough Piece to be wrought at the Chaſery.

*Anclaten Lucus*, (*Anderida*). Mr. Camden was of Opinion, that *Newenden* in *Kent*, ſituated near the Wood called *Ander*, was the Place where a famous Caſtle was built by the *Romans*, to defend the Sea-Coaſts from the *Saxon* Pirates; which Town was called *Brittenden* by the *Saxons*. And being decayed, but rebuilt; ſoon after a Monastery was founded by the *Carmelite* Friars, in the Reign of *Ed. 1.* it was called *Newenden*. But Mr. *Somner* was of another Opinion: He rather thinks it was *Pevenſey*, becauſe that is near the Sea-Coaſt; but the other is more remote.

*Ancony*, A Swath in Mowing. See *Dole*. It likewiſe ſignifies, as much Ground as a Man can ſtride over at once.

*Ancony* of *Cille*, 17 Ed. 4. cap. 4. Signifies the Burning them, and comes from the Sax. *Onelan*, *accendere*.

*Anclatus*, A ſhort Knife or Dagger. 'Tis mentioned in *Mat. Pariſ. viz. Lori à erat indutus, geſtans Anelacium ad Lumbare*, pag. 277.

*Anclatus*. Et ſi Anfeldtyhde ſit, immergatur manus poſt lapidem, vel examen uſque ad wriſte. Leg. *Adelſtan. cap. 19. apud Brompton.* Mr. *Somner* tells us it ſhould be *Anſealtable*, i. e. a Simple Accuſation: For the *Saxons* had two Sorts, viz. *Simplex & Triplex*: That was called a ſingle Accuſation when the Oath of the Criminal and two more was ſufficient to diſcharge him; but his own Oath, and the Oaths of five more were required to free him à *triplici Accuſatione*.

*Angaria*, — *Terram liberam ab omnibus Angariis & Exactionibus*, &c. *MS. peres Eliam Aſhmole, Arm.* From the Fr. *Angarie*, i. e. *Perſonal Service*; that which a Man is bound to perform in his own Perſon. *Præſtationes Angariarum & Perangariarum, plauſtrorum & navium*, Impreſſing of Ships.

*Angelica Veſtis* was a Monkish Garment, which Laymen put on a little before their Death, that they might have the Benefit of the Prayers of the Monks. It was from them called *Angelicus*, becauſe they were called *Angeli*, who by theſe Prayers *Anima Saluti ſuccurrebant*. And therefore where we read the Words *ad ſuccurrendum* in our old Books, it muſt be underſtood of one who had put on the Habit, and was near Death. *Si quis ad ſuccurrendum metu mortis ſe loco prænominato dederit, illic reſtitetur.* *Monasticon, 1 Tom. pag. 632.* So likewiſe, *De ſuſceptis in morte*, is meant of thoſe dying Perſons who had put on the Habits.

*Anus*, *Angildum*, The bare ſingle Valuation or Compensation of a Man or Thing, according to the legal Eſtimate: From the Sax. *An*, One, and *Gild*, Payment, Mulct or Fine. So *Twigild* was the double Fine: *Trigild* the Treble Fine according to the rated Ability of the Perſon. See the Laws of *Ina, cap. 20.* and the League between King *Alfred* and *Guthburn, cap. 6.* *Si villanus furatus fuerit, &c. & habeas plegium, admonet eum de Angildo.* *Spelman.*

*Anlote*, *Anlote*, *Anlot*. *De vetera Will. Conq. apud Hoveden, in Hen. 2.* — *Francigena qui tempore Edwardi propinqui mei fuerit in Anglia particeps conſuetudinum Anglorum, quod ipſi dicunt Anlotti & Anſcotti, perſolvunt ſecundum conſuetudinem Anglorum.*

Anglorum. The Sax. in *Lambard* reads it *Aneholt* and *An Scote*; & in *marginē vulgo* Scot & Lot. The Sense is no more, than that every one should pay according to the Custom of the Country, his respective Part and Share. *Spelman*.

**Annulled**, (*Annullatus* in Stat. 1 R. 3. c. 2. from the Fr. *Annullar*, i. e. To make void,) signifies abrogated, annihilated, or brought to nothing. *Littleton*, lib. 3. cap. Warrant, and 3 Inst. fol. 40.

**Animalia otiosa** are such which are not used for to plow; as Sheep, Hogs, &c. *Fleta*, lib. 4. cap. 16. Par. 15. *Si fiat distinctio per oves & bestias carucarum, cum sint alia animalia otiosa, &c.*

**Annates**, Yearlings, or young Cattle of the first Year. — *Vituli primo anno postquam nati sunt, Vituli vocantur; secundo compoto Annales vocantur; tertio Boviculi; quarto Bovetti vocantur. Regula compoti domus de Farendon MS.*

**Annates**, *Annates*, Arc all one with First-Fruits, an. 25 H. 8. cap. 20. See *First-Fruits*. The Reason of the Name is, because the Rate of First-Fruits paid to Spiritual Livings, is after the Value of one Year's Profit. *Annates more suo appellant primos fructus unius anni Sacerdotii vacantis aut dimidiam eorum partem.* Pol. Virgil. de Invent. rer. lib. 8. cap. 2. Here observe, That First-Fruits, *Primitia* & *Annates*, are all one. Co. 12. Rep. fol. 45.

**Annū nubile**, (Lat.) when a Woman is said to be *infra annos nubile*, that is, under the Age of twelve Years; unmarried. *Coke's 2 Inst. fol. 434.*

**Annis-seed**, *Semen Anisi*, a Medicinal Seed, not unknown. *Gerard's Herbal*. lib. 2. cap. 327. It is noted among the garbleable Drugs, and Spices. 1 Jac. c. 19.

**Anniversary Days**, (*Dies Anniversarii*) Were in former Times solemn Days appointed in Commemoration of the Deaths or Martyrdoms of Saints, and once every Year celebrated: Also Days whereon, at the Return of every Year, Men were wont to pray for the Souls of their deceased Friends, mentioned in the Statute 1 Ed. 6. cap. 14. and 12 Car. 2. cap. 13. This was in Use among our Ancestors the Saxons, as may be seen, *Lib. Rames, Sect. 134. Anniversaria dies ideo repetitur defunctis, quia nescimus qualiter eorum Causa habeatur in aliā vitā.* This was the Reason given by *Alcuinus* in his *Divine Offices*. The Anniversary or yearly Return of the Day of Death of any Person, which the Religious registred in their Obital or Martyrology, and annually observed in Gratitude to their Founders and Benefactors, was by our Fore-fathers called a *Year-Day*, and a *Mind-Day*, i. e. a Memorial Day. This was one of the trading Arts of the Religious, who got many a Pittance and Legacy for thus recording and continuing the Memorials of their Friends. Yet abating the Superstition, we must needs confess this Practice of theirs has been a great Advantage to the History of Men and Times, by fixing the *Obits* of Great and Good Men.

**Anno Domini**, Is the Computation of Time from the Incarnation of our Lord *JESUS*, and is used in publick Writings; sometimes with, and sometimes without the Year of the King's Reign. As the Romans made their Computation from the Building of the City of Rome, and the Grecians by *Olympiads*: So Christians in Remembrance of the happy Incarnation of our Saviour, reckon their Time from thence. *The Day of the Month, the Year of our Lord and Saviour Christ, and be Year of the King's Reign, are the usual Dates of Deeds.* *Coke's 2 Inst. fol. 675.*

**Annoyance**, *Annoisance*, or *Nuisance*. (Fr. *Nuisance*, Hurt or Offence) hath a double Signification, being used as well for any Hurt done to a publick Place, as a Highway, Bridge, or Common River, as to a private, by laying any Thing that may breed Infection, by incroaching, or such like Means; as also for the Writ that is brought upon this Transgression, of which see more in *Nuisance*. The Word *Annoisance* is used in the Stat. 22 Hen. 8. c. 5.

**Annuale**, The yearly Rent or Income of a Prebendary.

**Annualia**, *Annats*, or a yearly Stipend assigned to Priest, for keeping the Anniversary, or otherwise for saying continued Masses one Year, for the Soul of a deceased Person. — *Inbibemus quoque districtius ne aliquis Rector Ecclesia faciat huiusmodi pactum cum suo Sacerdote, videlicet quod ipse Sacerdos præter cetera stipendia poterit recipere Annuaia & Triennalia.* Const. Rob. Grosstest Episcopi Lineol. in Append. ad Fascic. pag. 411.

**Annua Pension**, Is a Writ (now disused) whereby the King having due unto him an Annual Pension from an Abbot or Prior, for any of Chaplains (whom he should think fit to nominate, being as yet unprovided of sufficient Living) doth demand the same of the same Abbot or Prior; and also willeth him for his Chaplains better Assurance, to give him his Letters Patent for the same. *Reg. Orig. fol. 165, & 307. & F. N. B. 231.* Where you may see the Names of all the Abbies and Priories bound to this, in respect of their Foundation or Creation; as also the Form of the Letters Patent, usually granted upon this Writ.

**Annuity**, *Annuus redditus*, Signifies a yearly Rent to be paid for the Term of Life, or Years, or in Fee; and is also used for the Writ that lies against a Man for the Recovery of such a Rent, if it be not satisfied every Year according to the Grant. *Reg. Orig. fol. 158. F. N. B. fol. 152.* The Author of the *New Terms of Law*, defineth *Annuity*, to be a certain Sum of Money granted to another in Fee-simple, Fee-tail, for Term of Life or Years, to receive of the Grantor or his Heirs, so that no Freehold be charged therewith, whereof a Man shall never have Assize, or other Action, but a Writ of *Annuity*. *Saint Germain*, in his Book stiled *Doctor and Student*, Dial. 1. cap. 3. sheweth divers Differences between a Rent and an *Annuity*; whereof the first is, That every Rent, be it Rent-Charge, Rent-Service, or Rent-Seck, is going out of Land, but an *Annuity* goeth not out of any Land, but chargeth only the Person; that is to say, the Grantor, or his Heirs, that have *Assets by descent*: Or the House, if it be granted by a House of Religion. *Lit. Sect. 220. 2.* A second Difference is, That for the Recovery of an *Annuity*, no Action lieth, but only a Writ of *Annuity* against the Grantor, his Heirs or Successors. *Fitz. Nat. Brev. 152.* But of a Rent, the same Actions lie as do of Land, as the Case requireth. 3. The third Difference is, That an *Annuity* is never taken for *Assets*, because it is no Freehold in Law, neither shall it be put in Execution upon a *Statute-Merchant*, *Statute-Staple*, or *Elegit*, as a Rent may. *Doct. and Stud. cap. 30.* So also *Dyer fol. 345. Pl. 2.* Also an *Annuity* cannot be severed. *Co. lib. 8. fol. 52. b.* See more *Leigh's Comment. verbo Annuity.*

*Ansa ad Nisam*, near *Loggleshall* in *Essex*.

*Anscote*,

**Anscote**, the same with *Angild*. (LL. W. 1. cap. 64.) See *Scot and Lot*.

**Ansel Weight**. See *Aunsel*.

**Ansul**. See *Aunsel Weight*. De pede, pollice, cubito, & palma, de Ansel balancibus & mensuris. Thorn. Chron.

**Antesuramentum** and **Presuramentum**, which by our Ancestors was called *Furamentum Calumnia*. In which they were so strict; that both the Accuser and Accused were obliged to make this Oath before any Trial or Purgation, viz. The Accuser was to swear that he would prosecute the Criminal; and the Accused was to make Oath, on the very Day that he was to undergo the Ordeal, that he was Innocent of the Fact of which he was charged. Leg. *Ethelstan*. apud Lambard 23. If the Accuser failed, the Criminal was discharged; if the Accused, he was intended to be guilty, and was not to be admitted to purge himself by the Ordeal. Leg. H. 1. cap. 66.

**Antistitium** is a Word used in the old Histories, and signifies a Monastery.

**Antithetarius**. 'Tis mentioned in the Title of a Chapter in the Laws of *Canutus*, (viz. Capite 47.) but not in the Chapter it self. The Meaning of the Word is, Where a Man endeavours to discharge himself of the Fact of which he is accused, by recriminating, i. e. by charging the Accuser with the same Fact.

**Antibisseum**, the Cape of Cornwall.

**Apatifatio** is an Agreement or Compact made with another. 'Tis mentioned in *Upton*, lib. 2. cap. 12. De officio militari, viz. Concedimus per presentes bonum & saluum conductum, ac saluam gardiam sive securitatem Apatifationis.

**Aplata**, i. e. For certain: Si verbum non direxerit ut aialata sit, for *aplata*. Leg. *Adelstan*. cap. 6.

**Aporiare**, i. e. To be reduced to Poverty, viz. Permissit suos spoliare patriam, Aporiare vulgus. *Walsingham* in R. 2. Sometimes it signifies To shun, or Avoid, viz. In ciuitate degentes, in refectorio pom-pacitas lasciuosque secularium delicias ut melancholiam Aporiantes.

**Apostare Leges**, & **Apostatare Leges**, Wilfully to break or transgress the Laws, Leg. *Edw. Conf.* cap. 35. Tit. de Heterochis. Qui leges Apostabit, uera sua reus fit apud Regem, ac idem in R. Hen. 1. cap. 13. where *Apostabit* is read *Apostatabit*. *Spelman*.

**Apostata capiendo**, Is a Writ now out of Use, that lay against one, that having entred and professed some Order of Religion, broke out again, and wander'd up and down the Country, contrary to the Rules of his Order; for the Abbot or Prior of the House, certifying this into the Chancery, under their Common Seal, and praying this Writ directed to the Sheriff, for the Apprehension of such Offender, and Delivery of him again to his Abbot or Prior, or their lawful Attorney, were wont to obtain the same; The Form whereof, with other Circumstances, you may find *Reg. Orig.* fol. 71. & 267. and *Fitz. Nat. Brev.* fol. 233. C.

**Apparator Comitatus**. There was an Allowance to the Sheriff of *Bucks*, of a considerable yearly Sum, ut apparatori Comitatus. There was an Order of Court in Q. El. Time, for making that Allowance; but the Custom and the Reason of it are now altered. Vide *Hales* of Sheriffs Account, p. 104.

**Apparitor**, 21 H. 8. c. 5. Signifies a Messenger that cites Offenders to appear in the Spiritual

Court, and serves the Process thereof. The Office of an Apparitor will best appear from this Commission of *Walt. Archbishop of Can. Walterus Dei gratia Cant. Archiepisc. totius Anglie Primas, dilecto Filio Willielmo de Grastone in Apparitoris Officio, in Curia nostra Cantuar. uidet in Consistorio ac Decanatu nostro Ecclesia Beata Maria de Arcubus London, ministranti Salutem, Gratiam & Benedictionem. Personam tuam eo quod de fidelitate in dicto Officio per laudabile testimonium apud Nos multipliciter commendaris volentes prosequi cum favore, dictum Apparitoris Officium in Curia Consistorio & Decanatu predictis perpetuo possidendum tibi conferimus per presentes. Ita tamen quod te fideliter geras in Officio predicto memorato. Volentes & tibi specialiter concedentes, ut cum in ministerio dicti Officii per teipsum personaliter vacare non poteris, vel absens fueris a Curia, Consistorio & Decanatu predictis, nihilominus per aliam idoneam personam, quem ad hoc assignandum omnia & singula qua dicto incumbent Officio — facere ualeas, & iugiter exercere — Dat. apud Lambith. 8. Id. Mart. 1316.*

**Apparlement**, Cometh from the French *Pareilment*, that is, *Similiter*, *Perinde*, *Ibidem*, in English likewise it signifies a Resemblance or Likelihood, as *Apparlement* of War. 2 R. 2. Stat. 1. cap. 6.

**Apparura**, Furniture, *Apparel*, Dominus clamant habere omnes carrectas ferro non ligatas, & omnes carrectas cum tota Apparura. Placit. in *Itin.* apud *Cestriam*. 14 H. 7. Carrucarum Apparura is Plough-tackle, or all the Implements belonging to a Plough. Thus in our Statutes we frequently find the Tackle, Apparel, and Furniture of a Ship.

**Appeal**, *Appellum*, Cometh from the French word *Appeller*, that is, *Acire*: It signifies in our Common Law as much as *Accusatio*, with the Civilians; for as in the Civil Law, Cognisance of Criminal Causes is taken either upon *Inquisition* and *Denunciation* or *Accusation*; so in Ours, upon *Indictment* or *Appeal*; *Indictment* comprehending both *Inquisition* and *Denunciation*: And *Accusation* or *Appeal*, is a lawful Declaration of another Man's Crime (which by *Bracton* must be Felony at the least) before a competent Judge, by one that setteth his Name to the Declaration, and undertakes to prove it upon the Penalty that may ensue of the contrary. To declare the whole Course of an Appeal, is not proper for this Place; I refer you to *Bracton*, lib. 3. Tra. 2. cap. 18. cum sequent. *Britton*, cap. 22, 23, 24, 25. *Smith*, lib. 3. de Repub. Angl. cap. 3. And *Straundf. Pl. Cor.* lib. 2. cap. 6, 7, &c. usque 17. An Appeal is commenced two Ways; either by Writ, or by Bill, *Staundf. ubi supra*; and it may be gathered by him, fol. 148. that an Appeal by Writ is, when a Writ is purchased out of Chancery by one to another, to this End, that he appeal a Third of some Felony committed by him, finding Pledges that he shall do it, and deliver the Writ to the Sheriff or Coroner, offering to undergo the Burden of the appealing another therein named. Appeal by Bill is when a Man of himself gives his Accusation in Writing to the Sheriff or Coroner, offering to undergo the Burden of appealing the Person therein named. This Point of our Law, among others, is taken from the Normans, as appears plainly by the *Grand Customary*, cap. 68. where there is a solemn Discourse both of the Effects of this Appeal, viz. The Order of Combat, and of the Trial by *Inquest*; of either of which it is in the Defendant's Power to make Choice. See *New Book of Entries, verbo Appell*, Lib. Ass. fol. 78. & 3. part. *Inst.* fol. 131. Appeals to Rome were so great an Inter-



Interruption to all English Justice, that even in those Times of Slavery, this Evasion of National Justice, by appealing to the Pope, was forbid and severely punished. So when Gilbert de Segrave, Archdeacon of Oxford, in 33 Ed. 1. appealed from the King's Court to the Pope of Rome, he was summoned to Westminster, and obliged to renounce his Appeal by Oath, and to find Pledges for appearing at the next Parliament.

Appeal of Maim, *Appellum Maimii*, Is an Accusing one that hath maimed another. But that being no Felony, the Appeal is but a kind of Action of Trespass, because there is nothing recover'd but Damages. Bracton calls this *Appellum de plagis & Maimio*, and writes a whole Chapter about it. Lib. 3. tract. 2. cap. 24. See Coke, vol. 4. fol. 49. a. In King John's Time, there is an Appeal recorded against a Jew. *Qui fecit ementulari quendam nepotem suum.*

Appeal of Wrong Imprisonment, (*Appellum de pace & imprisonment*) Is used by Bracton for an Action of Wrong Imprisonment, whereof he writes lib. 3. tract. 2. cap. 25.

Appeal, (*Appellatio*) Many Times used in the Common, as it is in the Civil Law, which is the Removing a Cause from an inferior Judge to a superior; as Appeal to Rome. 24 H. 3. cap. 12. & Eliz. cap. 1. So St. Paul appealed from Festus to Cesar. But more commonly for a private Accusation of a Murderer, by a Person who had Interest in the Party murdered, or of any Felon, by one of his Complices with him. And those that are so appealed, are called *Appellees*. 28 E. 1. See Approver.

Appello, or Appellant, He who has committed some Felony or other Crime, which he confesses, and now appeals, i. e. accuses others who were Complices with him, and those who are so appealed, are called *Appellees*. *Artic. Cleri Anglicani oblatis*. Ed. 2. Regi, an. 1316. cap. 10. *Placet etiam Domino Regi, ut Latrones & Appellatores, quandoque voluerint possint Sacerdotibus sua facinora confiteri.*

Appendant, *Appendens*, Is an Inheritance belonging to another that is more worthy; as *Accessorium Principali*, with the Civilians, or *Adjunctum Subjecto*, with the Logicians. An Hospital may be Appendant to a Manor. Fitzb. Nat. Brev. fol. 142. Common of Fishing Appendant to a Freehold. West. 2. cap. 25. 13 Ed. 1. Appendants are ever by Prescription. See Co. on Lit. fol. 121. b.

Appenditia, The Appendages or Pertinences to an Estate, &c. So Simon Earl of Northampton gave to the Knights Templars, his Manor of Merton, Com. Oxon. *cum omnibus Appenditiis suis*. Mr. Kennets Paroch. Antiq. p. 110. Hence our Penticies, or Pent-Houses, a Pent-Stock, *Appenditia domus*, &c.

Appennage, or Arennage, French, *A Child's Part*, properly the Portion of the King's younger Children in France, where they have a Law which they call, *The Law of Apenages*, whereby the King's younger Sons have Duchies, Counties, or Baronies granted to them, and their Heirs, or Heirs Males of their Bodies, the Reversion reserved to the Crown, and all Matters of Regality; as Coinage, levying Taxes, and the like: It is derived *ab appendendo*, or from the German word *Apanage*, which signifies a Portion. See Gerard de Heylan, & Spelman's Gloss. in verbo *Appennagium*.

Appensura, The Payment of Money at the Scale, or by Weight. — *Dedit Regi presato ap-*

*pensuram novem librarum purissimi auri juxta magnum pondus Normannorum.* Histor. Elien. Edit. Gale, l. 2. c. 19.

Appertinances, (*Pertinentie*) Is derived of the French word *Appertinir*, *Pertinere*, to belong to. It signifies in the Common Law Things both Corporeal, belonging to another Thing, as the more Principal; as Hamlets to a chief Manor, Common of Pasture, Turbary, Piscary, and such like; and Incorporeal, as Liberties, and Services of Tenants. Brit. cap. 39. Where we may observe, That he accounts Common of Pasture, Turbary and Piscary, to be Things Corporeal. Vide Corporeal.

Applumbatio is the Incorporating several Metals together. See Bract. lib. 2. c. 2. Fleta, Lib. 3. cap. 2. paragraph 12.

Appodare is a Word used in our old Historians, and it signifies, To lean on any Thing, To prop up a Thing, &c. Walsingham, an. 1271. Mat. Paris. Chronicon Aula Regie an. 1321.

Apponere signifies To pledge or pawn: *Accepta a fratre Gulielmo summa non modica Normanniam illi apposuit.* Neubrigensis; lib. 1. cap. 2.

Apportionment, *Apportionamentum*, Is a Dividing of a Rent into Parts, according as the Land, whence the whole Rent issueth, is divided among two, or more. As if a Man hath a Rent-Service issuing out of Land, and he purchases Parcel of the Land, the Rent shall be apportioned, according to the Value of the Land. So if a Man hold his Land of another by Homage, Fealty, Escuage and Rent, if the Lord, of whom the Land is holden, purchase Parcel of the Land, the Rent shall be apportioned. And if a Man let Lands for Years, reserving Rent, and after a Stranger recovers Part of the Land, then the Rent shall be apportioned, and the Lessee shall pay, having respect to that which is recovered, and to that which remains in his Hands, according to the Value. But a Rent-charge cannot be apportioned, nor Things that are entire: As if one hold Land by Service, to pay his Lord yearly at such a Feast, a Horse, a Hawk, a Rose, or a Cherry, &c. There if the Lord purchase Part of the Land, the Service is totally extinct; because such Things cannot be divided or apportioned, without Damage to the Entirety: In some Cases, a Rent-charge shall be apportioned; as if a Man has a Rent-charge issuing out of Land, and his Father purchases Parcel of the Lands charged in Fee, and dies, and this Parcel descends to his Son, who hath the Rent-charge; there this Charge shall be apportioned, according to the Value of the Land: Because such Portion of Land purchased by the Father, comes not to the Son by his own Act, but by Descent, and Course of Law. Common Appendant is of Common Right, and severable; and though the Commoner purchase Parcel of the Land, whereto the Common is appendant, yet the Common shall be apportioned. But in this Case, Common Appurtenant, and not Appendant, by such Purchase is extinct. Co. lib. 8. fol. 79. *Termes de Ley* 48, 59.

Apportum. — *Ita quod proficua manerii predicti nomine Apporti quolibet anno presato A. in subventionem sustentationis sue solverentur*, an. 22 Ed. 1. It seems to be deduced from the French *Apport*, which beside the Common, signifies the Revenue, Gain or Profit, which a Thing brings in to its Owner. And in the Place cited, it is used for an Augmentation given to any Abbot, for his better Support out of the Profits of a Manor. The



Word was commonly used for a Corrody or Pension: — *Nicolaus Gwyn Prior de Andover, debet xx Marcas de quodam Apporto, ad capitalem Dominum ejusdem Prioris, in partibus transmarinis, in tempore pacis debito. Ex Registro evidentiarii Colleg. Wickham juxta Winton. MS.* — *Rex Edwardus III. restituit terras Prioratuum Alienigenarum salvo nobis Apporto, quod prefatus Procurator alicui domui superiori solvere tenetur. Claus. 14 E. 3.* The Word might at first signify any Profit or Emolument apported or brought to another. And therefore *Du Fresne* observes in the Customary of *Rhemes*, *Apport* was the Portion which the Wife brought to the Husband.

**Appofal** of *Sheriffs*, Is the charging them with Money received upon their Account in the Exchequer. 22, 23 *Car. 2. Act for better Recovery of Fines due to his Majesty.*

**Appofer.** See *Foreign Appofer.*

**Apprendre**, (French) As a Fee or Profit *Apprendre*, 2 & 3 *Ed. 6. cap. 8.* A Fee or Profit to be taken, or received.

**Apprentice**, *Apprentitius*, (French *Apprentif*, and that from *apprendre*, to learn: whence the Fr. *Apprentissage*, and our *Apprenticeship*) signifies with us one that is bound in Word or Writing, to serve another Man of Trade for certain Years, upon Condition, That the Artificer, or Master shall in that mean Time endeavour to instruct him in his Art or Mystery. *Smith de Rep. Ang. lib. 3. cap. 8.* saith, They are a kind of Bondmen, differing only, that they be Servants by Covenant, and for a Time. Baristers at Law were heretofore called *Apprentices of the Law*, in Latin; *Apprentitii juris nobiliores*: So saith *Mr. Selden* in his Notes upon *Fortescue*, p. 3. And so the learned *Mr. Plovd.* stiled himself. *Sir Henry Finch*, in his *Nomotechnia*, gives himself the same Title. And *Sir Edw. Coke. 2 Part. Inst. fol. 564.* holds, That *Apprentitii Legis* are called *Homines Consilarii*, & in *Lege periti*. And in another Place — *Apprentices and other Counsellors of Law.* Of the Word *Apprentitius*, as it signifies a young Person, bound by Indentures to a Master, who upon such Covenants, is to teach him his Mystery or Trade; I think the oldest Authority is from a Charter, dated 12 *Ed. 3.* recited in *Mr. Kennet's Parochial Antiquities*, p. 449. At least I have met with no Mention of them, till the Beginning of the next Reign, when *Henry de Knighton*, sub an. 1381. *Apprentitii quoque relictis Magistris suis illuc accurrebant.* And *Tho. Walsingham* in *Ric. 2.* p. 103. *De Londonio multi Apprentitii, plures servi, sumptis albis Caputiis; inuitis Magistris & Dominis sunt profecti.* Vid. *Selden's Notes on Fortescue*, p. 2. *Orig. Jurid. fol. 143. a.* and the Statute of *Champertry*: 33 *Ed. 1.*

**Appropriation**, *Appropriatio*, proceedeth from the French *Approprier*, i. e. *Aptare*, accomodate; and properly signifieth in the Law of England, a Severing of a Benefice Ecclesiastical, which originally, and in Nature is, *Juris divini & in patrimonio nullius*, to the proper and perpetual Use of some religious Houles, or Dean and Chapter, Bishop or College: And the Reason of the Name may be this; because, that whereas Parsons ordinarily be not accounted *Domini*, but *Usufructuarii*, having no Right of Fee-simple. *Lit. Tit. Discontinuance.* These, by reason of their Perpetuity, are accounted Owners of the Fee-simple, and therefore are called *Proprietarii*. And before the Time of *Richard II.* it was lawful (as it seems) to appropriate the whole Fruits of a Benefice to an Abbey or Priory, they finding one to serve the

Cure. But that King redressed that Evil by a good Law, whereby he ordained, That in every Licence of *Appropriation* made in Chancery, it should be expressly contained, That the Diocesan of the Place should provide a convenient Sum of Money, yearly to be paid out of the Fruits, towards the Sustainance of the Poor of that Parish, and that the Vicar should be well and sufficiently endowed. 15 *R. 2. cap. 6.* Touching the first Institution, and other Things worth the Learning about *Appropriations*, read *Plovd.* in *Grendon's Case*, fol. 496. b. & seq. As also *Termes de Ley verbo Appropriation.* To an *Appropriation*, after the Licence obtained of the King in Chancery, the Consent of the Diocesan, and the Patron and Incumbent are necessary, if the Church be full; but if it be void, the Diocesan and Patron may conclude it. *Plovd. ubi supra.* To dissolve an *Appropriation*, it is enough to present a Clerk to the Bishop, and he to institute and induct him: For that once done, the Benefice returns to the former Nature. *Fitz. Nat. Brev. fol. 35. & Co. 1. 7. fol. 13.* See the Methods of *Appropriation*, and the fatal Abuse of thus robbing Church and Clergy, and the laudable Ways and Means of restoring *Impropriations* to the better Maintenance of Parish Priests, &c. discoursed at large, in *Mr. Kennet's Paroch. Antiq. p. 433.*

**Appropriare ad honorem**, To bring a Manor within the Extent or Liberty of such an Honour. *Petrus de Atherugge tunc Seneschallus honoris Sancti Walerici appropriavit dictum manerium ad honorem Sancti Walerici* — *Paroch. Antiq. p. 336.*

**Appropriare Communiam**, To discommon, i. e. to separate and enclose any Parcel of Land, that was before open Common. So A. D. 1299. the Prior and Convent of *Burcester* granted to the Rector of *Atherugge* and the *Bon hommes* of that Place, *quod sibi possint appropriare, & includere pro voluntate sua tres Acres de Comuni pastura in Blake-thorn, &c.* *Paroch. Antiq. p. 336.*

**Approbe**, (*Approbare*,) To Augment, or, (as it were,) To examine to the utmost. For Example; To approve Land is to make the best Benefit of it by encreasing the Rent, &c. an. 9 *Hen. 6. cap. 10.* Bailiffs of Lords in their Franchises are called their *Approvers*: And by what follows, you may see what Kind of *Approvers* or *Improvers* were formerly in the Marches of Wales, authorized by the Prince thereof. *Richard de Lyngain Improver desuth Commission nostre tre-dout Seigneur le Prince deins le Counte de Hereford, & le Marches adjoynant, a toutz yceux qui cestis Letters verront ou orront, salut. Sachez moy aver grant a une Fanin de Brompton loyal & liege home nostre Seigneur le Roy, & a ses servants, de vendre & acheter bests & berbez deins le Counte de Hereford, & le Marche adjoynant sans empchement ou arrest de nulluy, come loyal & leige homes, a son propre use & enrese, sans refreshment des Rebels de Gales. Et cest ma Lettre serrá son Garrant. En tesmoignage de quel chose a yeste j'ay mise mon Seal. Don a Lemestre le xi. jour de Juleit le ann de Regne lo Roy Henric le quart apres le Conquest, quarte.* — See 2 *Part. Instit. fol. 472.* — *Quod nullus liber tenens infra Baroniam illam se appropriare posset de vasto suo, &c.*

*Approbare* also occurs in old Records, as, *approve vasti*, — and *vastis approyatis.*

**Approvementum**, — *Cum omnibus Approvementis, & aliis pertinentiis suis.* *Mon. Angl. 2 part. fol. 607. b.* Improvement.

**Approvement** (*Anno 43 Eliz. cap. 11.*) is the same with *Improvement*; but it is more particularly used for the Enclosing Part of a Common by the Lord of the Manor, leaving sufficient nevertheless for the Commoners.

The Word *Approvement* properly signifies the Profits of a Farm: *Posueruntque custodes qui medio tempore exitus & approviamenta terra ad opus illorum custodiant.* Walsingham, pag. 57.

**Approver**, *Approbator*, Cometh of the French *Approver*, *Approbare*; It signifies one that confessing Felony of himself, appealeth or accuseth another, one or more to be guilty of the same; and he is called so, because he must prove that which he hath alledged in his Appeals. *Staunder. Pl. Cor. fol. 142.* And that Proof is by Battle, or by the Country, at his Election that is appealed. The Form of this Accusation you may in Part gather by *Crom. Just. of Peace, fol. 250, & 351*, That it is done before the Coroner, either assigned unto the Felon by the Court, to take and record what he saith, or else called by the Felon himself, and required for the good of the Prince and Common-wealth, to record that which he saith, &c. The Oath of the *Approver*, when he beginneth the Combat, see also in *Cromp. pag. ult.* As also the Proclamation by the Herald. Of the Antiquity of this Law, you may see something in *Horn's Mirror of Just. lib. 1. in fine cap. del Office de Coroner*; and more at large, *Bracton. lib. 3. tract. 2. ca. 21, & 34. Staunder. Pl. Cor. l. 2. c. 52. cum seq. 3. Part. Inst. fol. 129.* See *Prover. Cum probator perfecterit quod promissit tenetur ei conventio, scilicet ut vitam habeat & membra, sed in regno remanere non debet, etiam si velit plegios invenire*, saith *Bracton*. See *Fleta, lib. 2. cap. 52. par. 42.* and *Staunder's Pleas of the Crown, cap. 52.*

**Approvers of the King** (*Approbatores Regis*), are those that have the Letting of the King's Demesns in small Manors, to his best Advantage. *Anno 51 H. 3. Stat. 5.* And in the Statute of 1 Ed. 3. cap. 8. the Sheriffs did call themselves *King's Approvers*.

**Appuare** is to take to his own Use or Profit, viz. *Domini vasorum & boscorum, &c.* appuare se possunt de vastis, &c. W. 2. cap. 50. *Apulby*. See *Abballa*.

**Aquage**, *Aquagium quasi Aquæ agium, i. e. aquæ ductus, aquæ gangium, aquæ iter, a Water-course.* — *Non liceat alicui de cetero facere dammas vel fordas, aut alia impedimenta in aliquibus landeis, water-gangiis, fossatis, sive aquagiis communibus in marisco predicto.* Ordinatio Marisci de Romney facta tempore H. 3. & Ed. 1. See *Watergage*.

**Arabant ad Curiam Domini**, Was intended of those who held by the Tenure of ploughing and tilling the Lands of the Lord, *infra Curiam, i. e. manerium suum.* *Spel. Gloss. verb. Arabant.*

**Aralia**, Plur. Arable Grounds, *Domesday Tit. Essex. Rex. hundred. de Cheremesford.* — *Silva 20 porc. decem Acr. prati 2. noncul. Quatuor Aralia 23 porc. 50. oves 24. caponei, &c.*

**Arbitrator**, May be taken to proceed either from the Latin (*Arbitrator*) or the French (*Arbitre*) and signifieth an extraordinary Judge in one or more Causes between Party and Party, chosen by their mutual Consents. *West. Sym. Part. 2. Tit. Compromise, sect. 21.* who likewise divideth Arbitrement into General, that is, including all Actions, Quarrels, Executions and Demands, and especial, which is of one or more Matters, Facts, or Things specified, *ibid. sect. 2, 3, 4.* The Civilians make a Difference between *arbitrum* and ar-

*bitratorem, lib. 76. π pro socio*; for though they both ground their Power upon the Compromise of the Parties, yet their Liberty is divers: For *Arbiter* is tied to proceed and judge according to Law, with Equity mingled. *Arbitrator* is permitted wholly to his own Discretion, without Solemnity of Process, or Course of Judgment, to hear and determine the Controversy committed unto him; so it be *juxta arbitrium boni viri*. See *Alto & Basso*.

**Arbitrement**, Is an Award, or Determination, made by one, or two at the Request of two Parties at least. To every Arbitrement five Things are incident, *scil. 1.* Matter of Controversy. *2.* Submission. *3.* Parties to the Submission. *4.* Arbitrators, and *5.* Giving up of the Arbitrement. *Dyer, 217. Pl. 60.* How an Arbitrement may be avoided, see *7 H. 6. c. 40.* And *Termes de la Ley, f. 54.* Also no Party shall be bound by an Arbitrement, unless the Award be delivered unto him. As it is, *Co. lib. 5. f. 103.* And *lib. 8. f. 98.*

**Arca Cyrographica**, or *Cyrographorum Treasorum*, was a common Chest with three Locks and Keys, kept by certain Christians and Jews, specially designed for that Purpose, wherein all the Contrasts, Mortgages, and Obligations, belonging to the Jews were kept, to prevent Fraud; and this by Order of King *Richard I. Hoveden's Annals, Parte poster. pag. 745.*

**Arceonij**, *Arcus Epippiarius*. French, *Arcon de Selle de Cheval*; English, *Saddle-bow.* — *Bertramus le Wyle tenet terras in Braham Com. Bedf. de Domino Rege per Serjantiam reddendi per annum unum par Arceonum ad Sellam; & Prior de Neunham tenet terram in Surrey de Domino Rege, in capite per Serjantiam, reddendi per annum unum par Arceonum dealbatum ad Sellam.* Tenur. p. 37.

**Arch-deacon**, *Archilevita, Archidiaconus*. In the Primitive Church, the Archdeacon was employ'd by the Bishop in more servile Duties of collecting and distributing Alms and Offerings, and seems to have been subservient to the Arch-Presbyters, the Urban or Rural Deans of Christianity, to whom they were originally as much inferior, as their Order of Deacon was to that of Priests: Till by the Advantages of a Personal Attendance on the Bishop, and a Delegation to examine and report some Causes, and Commission to visit some remoter Parts of the Diocese, they became in Effect Eyes to the Overseers of the Church; and by degrees advanc'd into considerable Dignity and Power. *Lanfranc* Archbishop of Canterbury, was the first Prelate in England, who instituted an Archdeacon in his own Diocese about the Year 1075, when upon the Death of *Godwyn*, the Suffragan Bishop of *St. Martin's*, he would not consecrate any other assisting Bishop, but ordain'd *Valerius* Archdeacon, to execute the like Jurisdiction within his Diocese of Canterbury. Which Example gave Occasion to the Establishing of Archdeacons, and Allotting their Districts in every other Diocese, within few Years after *Lanfranc*.

**Archery** was a Service of keeping a Bow for the Use of the Lord, to defend his Castle. *Johannes de Archier qui tenet de Domino Rege in capite per Serjeantiam Archeriz.* Co. Litt. Sect. 157.

**Archers Court**, (*Curia de arcibus*) Is the chief and most ancient Consistory that belongeth to the Archbishop of Canterbury, for the debating of Spiritual Causes; and is so call'd from the Church in London, dedicated to the Blessed Virgin, commonly called the Church of *St. Mary le Bow*, where it is held; and the Church is named

Bow-

**Bow-Church**, from the Fashion of the Steeple, whose top raised of Stone Pillars, is builded Arch-wise, like so many bent Bows. The Judge of this Court, is termed *The Dean of the Arches*, or *The Official of the Arches Court*. *Dean of the Arches*, because with this Officiality, is commonly joined a peculiar Jurisdiction of thirteen Parishes in London, termed a *Deanery*, being exempt from the Authority of the Bishop of London, and belonging to the Archbishop of Canterbury; of which the Parish of Bow is one, and the Principal, because the Court is there kept. Others conceive that he was first called *Dean of the Arches*, because the Official to the Archbishop being many Times employ'd abroad in Embassies for the King and Realm; the *Dean of the Arches* was his Substitute in this Court, and by that Means the Names became confounded. The Jurisdiction of this Judge is ordinary, and extendeth it self through the whole Province of Canterbury. So that upon any Appeal made, he forthwith, and without any further Examination of the Cause, sends out his Citation to the Appellee, and his Inhibition to the Judge from whom the Appeal was made. Of this you may read more in *Hist. de Antiquit. Eccles. Britan.* And 4 Part, *Inst. fol. 337.*

**Archives**, *Archiva*, A derivative from *Arca*, a Chest. The *Rolls*, or any Place where ancient Records, Charters, and Evidences are kept; also the Chancery, or Exchequer-Office. Also the private Repository in Libraries.

**Ardesiæ** were a Sort of Tiles of a blue Colour, like our Cornish Slate.

**Areche** is an old Word, signifying to divulge; from whence we derive the Word *Reckon*.

**Arentare**, To Rent out, or set at a certain Rent. — *Ricardus de Armesfione Ballivus manerii de Kingesford, maliiose & per violentiam dictos Religiosos de eadem piscaria ejecit, & ipsam Domino suo Arentari fecit in 12 fol. quos idem Dominus per 6 annos recepit.* — *Consuetud. Domus de Farendon, MS. f. 53.*

**Arreysment**, Surprise, Affrightment. — To the great Arreysment and Ertenysment of the Common Law. *Rot. Parl. 21 Ed. 3.*

**Argentarius Miles** is mentioned in *Gero. Tilbury*: *Et dicitur qui ab inferiori scaccario ad superius deferret loculum examinandi argenti, ubi videtur miles poni pro gregario famulo.*

**Argentum Album**, Silver Coin, or current Money. By Domesday Tenure, some Rents to the King were paid in *Argento albo*, common Silver Pieces of Money, other Rents in *libris ursis & pensatis*, in the Metal and full Weight and Purity. So the King's Manor at Brekul, *Com. Buck. reddebat per annum 28 libras de albo argento, & pro foresta 12 libras ursas & pensatas. Paro. h. Antiq. p. 165.* Hence in the next Age, that Rent which was paid in Money was called *Blanch-fearn*, and afterwards *White-rent*; and what they paid in Provision was term'd *Black-mail*.

**Argentum Dei**, God's Money; That is, Money given in Earnest upon the making of any Bargain. It is still called *God's Penny* in the North: I meet but with this one Authority of taking such Money in Hand as an Earnest of a remaining Sum. — *Adam de Holt vendidit quintam partem manerii de Berterton Henrico Scot. & cepit de predicto Henrico tres denarios de Argento Dei, pre manibus. Placit. apud Castr. 2 Ed. 3.* Hence *Arles*, Earnest; and *Arles-Penny*, now used in Yorkshire, where they likewise call Servants Vails *Arles*.

**Argumentosus**, Is a Word mentioned by our Historian *Neubrigeris*, and signifies Ingenious: *In picturis quoque opera argumentosa vocamus. Lib. 1. cap. 14. Apes argumentosa, &c.*

**Ariconium**, *Kenchester* near *Hereford*.

**Arrierban**, Is the Edict of the King, commanding all his Tenants to come into the Army: If they refuse, then to be deprived of their Estates. From the Sax. *Here, Exercitus*, and *Ban, Editum*.

**Arictum levatio**, an old sportive Exercise, which seems to have been the same with running at the *Quintan*, or *Quintal*. See *Quintan*.

**Arma dare**, To Dub or make a Knight, *An. Dom. 1144. 10 Steph. Ego Brientius filius Comitis, quem bonus Rex Henricus nutrit, & cui arma dedit & honorem. So Arma capere, to be made a Knight. A. D. 1278. 31 Ed. 3. A die quo dictus Comes (i. e. Henricus de Lacy) arma militaria a Domino Henrico Rege data nostro cepit. See Mr. Kennet's Parochial Antiquities, p. 101, 289. Quem etiam premature militem fecit donatum chlamyde coccinea, genimato baltheo, ense saxonico, cum vagina aurea. Malmf. lib. 2. cap. 2. de Ethelfano. So in Hoveden, Part 1. Post hac in hebdomada Pentecostes, filium suum Henricum apud Westm. armis militaribus honoravit. And in Walsingham, pag. 507. Die Dominica in vigilia Purificationis, Edwardus juvenis suscepit arma militaria. 'Tis true, the Word *Arma* in these Places signifies only a Sword, but sometimes a Knight was made by giving him the whole Armour: Thus we read, *Langfrancus Dorobernensis Episcopus eum lorica induit, & galeam capiti imposuit; eique & Regis filio militie cingulum in nomine Dei cinxit. Ordericus Vitalis. Lib. 8. de Henrico, &c.**

**Arma deponere**, Was enjoin'd when a Man had committed an Offence. *LL. Hen. 1. cap. 68.*

**Arma libera** Were a Sword and a Lance which were usually given to a Servant, when he was made free.

**Arma moluta**, Sharp Weapons that cut, and are not blunt, which only break or bruise, *Bract. lib. 3. tract. 2. ca. 23. & Staundf. Pl. Cor. 78, 79. Bracton's Words be these, Arma moluta plagam faciunt, sicut gladius & hujusmodi: Ligna vero & lapides, brufuras, orbes & istus, qui judicari non possunt ad plagam, ad hoc ut inde venire possit ad duellum. And Fleta lib. 2. c. 53 par. 6. calls them arme emolita.*

**Arma mutare** was a Ceremony used to confirm a League or Friendship.

**Armandiæ**, or *jus Armandiæ*. *Habent Principes plura jura sive regalia ut sunt Armandiæ, quod exponitur per aliquos esse jus faciendi fieri arma; & per alios esse littora que sunt publica & regalia quoad defensionem ac protectionem, ut prohibeant ibi fieri quicquam si usus litoris publicus impediatur M S. vocat. antiqua Vie, penes Tho. Street. Servien. ad legem.*

**Arma reverbata**. This was when a Man was convicted of Treason or Felony. Thus *Knighton*, speaking of *Hugh Spencer*, *Primo vestierunt cum uno vestimento cum armis reverfatis. lib. 3. pag. 2546.*

**Armigeri**; Not only a Title of Dignity, but the common Appellation of Servants, especially in Convents. I suppose the better Sort of Servants, yet such as wore Liveries in the Priory of *Burcester*, where in 4 Hen. 6. the Prior and Bursar accounted — *& in blodeo panno empto pro Armigeris & valettis Prioris de Johanne Bandy de Magnatue. Pannario erga Natale Domini hoc anno 7 lib. 15. fol. 11. Ken. Paroch. Antiquit. p. 576.* This is the same servile Office, which by Sir Henry *Spelman* is called *quadam Species Armigerorum* in the Abbey of *Battle, Com. Suff.* where the Abbot and Convent granted *Hugoni Francey Armigero suo, a*

yearly Prestation or Wages, and a customary Livery.

Armour or Arms, (*arma*) in the Understanding of Law, are extended to any Thing that a Man wears for his Defence, or takes into his Hands, or useth in his Wrath to cast at or strike another. *Crompt. Justice of Peace*, fol. 65. So that *Armorum Appellatio non ubique scuta & gladios, & galeas significat, sed & fustes & lapides.*

Arms are also what we call in Latin *Insignia*, Ensigns of Honour.

Armifcare is a Sort of Punishment decreed or imposed by the Judge. *Malmsh. lib. 3. pag. 97. Walsingham, pag. 430.* At first it was to carry a Saddle at his Back in Token of Subjection, viz. *Nudis vestigiis equestrem sellam ad satisfaciendum humeris feret.* Thus *Brompton* tells us, that in the Year 1176, the King of the Scots promised *Hen. the 2d.* at York, *Lanceam & sellam suam super Altare Sancti Petri, ad perpetuam hujus subjectionis memoriam offerre.*

Arnaldia, *Arnoldia*: A Sort of Disease, that makes the Hair fall off, like the *Alopecia*, or like Distemper in Foxes. — *Deinde uterque Rex incidit in agritudinem quam Arnaldiam vocant, in qua ipsi ad mortem usque laborantes capillos suos deposuerunt. Rog. Hoveden. Ric. 1. p. 693. & Brompton. col. 1201.*

— *Cum autem Rex Ricardus per aliquot dies ibi moram fecisset, gravissimam incurrit agritudinem, quæ vulgo Arnoldia vocatur, ex ignota regionis constitutione cum ejus naturali complexione minus concordante. Gaufredi Vinefauis, Ricardi Regis, Iter Hieros. cap. 4. l. 3.*

Arpen, or Arpent, (Fr.) an Acre or Furlong of Ground: The most ordinary one, called *L'Arpent de France*, is one hundred Perches square, after eighteen Foot to the Perch; some account it but half an Acre, This Word is often found in *Domesday*, *Quatuor Arpenni vinea noviter plantata. Tit. Middlesex.* — *Septem acras terra & unum Arpentum quæ me contingebant per Eschaletam. Ex Reg. Priorat. de Wormsley, fol. 7. b.* where Arpen seems to be some Quantity less than an Acre. Hence *Arpentator* is used for a Measurer of Lands.

Arratio Peditum, the Arraying of Foot Soldiers. *Pat. 1 Ed. 2. p. 1. m. 3.*

Arrain or Arraign, (from the French *Arranger*, i. e. To set a Thing in Order, or in its Place,) hath the same Signification in Law: For he is said to arraign a Writ of *Novel Disseisin*, who prepares and fits it for Trial before the Justices of the Circuit. *Old Nat. Br. fol. 109. Littleton (pag. 78.)* useth the Word in the same sense, viz. *The Lessee arraigneth an Assise of Novel Disseisin.* To arraign the Assise is to cause the Tenant to be called, to make the Complaint, and to set the Cause in such Order, as the Tenant may be forced to answer thereto. *Coke on Littl. fol. 262. b.* Also a Prisoner is said to be arraigned, when he is indicted and brought forth to his Trial. Arraigned within the Verge upon Murder. *Staundf. Pl. Cor. fol. 150.* The Manner of this Arraignment you may read in *Sir Thomas Smith de Rep. Angl. lib. 2. cap. 23.* — The Learned *Spelman* is of Opinion it should be written *Arrame*, from *Arramare*, and that from the old French *Arramir*, i. e. *Furare, promittere, solemniter profiteri.* But this must be a Mistake: For in the Register we find no such Word as *Arramare*; but in all the Writs of Assise 'tis *Arrainavit*: And so it is in the Year-Books, and in *Fitzh. Nat. Brev.* The true Derivation is from the Fr. *Arraisonner*, i. e. *Ad rationem ponere,*

viz. To call a Man to answer in Form of Law. And this comes from the barbarous Lat. *Adrationare. i. e. Placitare*: So that when a Criminal is arraigned, 'tis *ponere eum ad rationem.*

Array. Arrayed in barbarous Latin is *Arraiatus*, i. e. Well appointed or provided; and that comes from the old French Word *Arraye*, or *Arroye*. Thus we read in *Thorn's Chron. Gentes sufficienter munitas & arraiatas*: And in *Knighton, Lib. 3. Rediit tota fortitudo, &c. distincta & bene arraiata.* So that it signifies, in a particular Manner, Military Order; but now a Ranking or Setting forth a Jury of Men empanelled upon a Cause. *18 Hen. 6. cap. 14.* Hence the Verb to Array a Panel. *Anno 3 H. 5. cap. 5. and Old Nat. Br. 157.* That is, To set forth the Men empanelled one by another. The Array shall be quashed. *Ibidem.* By the Statute every Array in Assise ought to be made four Days before. *Brook, Tit. Pannel. Numb. 10.* To challenge the Array. *Kithen, fol. 92.* See *Challenge*. To lead and conduct Persons armed and arrayed. *14 Car. 2. cap. 3.*

Arrayers, (*Arraiatores*) is used in the Statute, *12 Rich. 2. cap. 6.* for such Officers as had Care of the Soldiers Armour, and did see them duly accounted in their Kinds. Such were the Commissioners of Array, appointed by King Charles the First, in the Year 1642. and Edward the Third, in the first Year of his Reign, appointed such Commissioners to array Men against the Scots: *Edw. Dei Gratia Rex Anglie, Dominus Hib. & Dux Aquit. dilectis & fidelibus suis Johanni de Oclestorp & Johanni de Fenton, electoribus & Arraiatoribus hominum in Wapentachio de Barkeston, salutem.* — *Cum ad repellendam Scotorum maliciam qui regnum nostrum hostiliter sunt ingressi, homicidium, depredationes, incendia & alia mala — citia perpetrando versus partes Marchie Scotie, &c. Inde Scoti cum toto posse suo, ut pro certo didicimus, prope civitatem nostram Karleoli ista die Martis se congregare proponunt, &c. Nos considerantes periculum, &c. Omnes homines defensibiles & potentes ad pugnandum ejusdem Wapentachii tam milites quam alii, &c. T. meipso apud North-Alverton xiii die Junii, Anno Regni nostri primo.*

Arrearages, (from the Fr. *Arriere, aretro*,) the Remainder of an Accompt, or a Sum of Money remaining in the Hands of an Accomptant. It is sometimes used more generally for any Money unpaid at a due Time; as *Arrearages of Rent*. That this Word is borrow'd from the French, appears by *Tiraquel, De utroque retractu*, Tom. 3. pag. 3. num. 10.

Arrestatus, Suspected, Accused. *Offic. Coronat. Si autem aliquis arrestatus fuerit de morte alicujus periclitantis, capiatur & imprisonetur.* From the old Norman, recte *Westm. cap. 1. Quauit Clerk est prise pour rette de felonie. — Cens queux sont endites de tiel rette per solemne inquest.* So *cap. 21. Spelman.*

Arrenatus, Arraigned. *Stephanus Rabaz, Vic. Leic. arrenatus & ad rationem positus de hoc quod, &c. Rot. Parl. 21 Ed. 1.*

Arrentare is a Word often mentioned in our Histories, and it signifies To rent, viz. *Ne terre vel tenementa eorum ea occasione arrententur. Charta, Ed. 1.* And in the *Monasticon*, 2 Tom. pag. 273. viz. *Reddendo nobis per Annum 56 solidos ad quos vasta & assarta sua in diversis forestis arrentanda assignatos arrentabantur.* And in *Consuetud. Domus de Farendon. MS. fol. 53. Ricardus de Armesstone Ballivus Manerii de Kingesford, malitiose & per violentiam dictos Religiosos de eadem Piscaria ejecit, & ipsam Domino suo arrentari fecit in 12 sol. quos idem Dominus per 6 annos recepit.*



**Arrentation**, (from the Span.) *Arrendare*, *q. Ad certum redditum dimittere*, *Ordin. Foresta*, 34 *Edw. 1. cap. 5.*) signifies the Licencing an Owner of Lands in the Forest, to enclose them, (*Bassa haya & parvo fossato*, i. e. with a low Hedge, and small Ditch, which is according to the Assise of the Forest,) under a yearly Rent. *Saving the Arrentations* is a saving Power to give such Licences for a yearly Rent. Rents for Purprestures *arrented*, *Anno 22 Car. 2. cap. 6.*

**Arrest**, Fr. A Stop or Stay, and is metaphorically used for a Decree, or Determination of a Cause debated or disputed *pro* and *con*; as *Arrest du Senat*, i. e. *Placitum Curia*. With us *Arrest* is taken for the Execution of the Command of some Court or Officer of Justice; and a Man stopped, stayed, or apprehended for Debt, &c. is said to be *arrested*, which may be called *The Beginning of Imprisonment*. See *Hantelode*. To move or plead in *Arrest* of Judgment, is to shew Cause why Judgment should be staid, notwithstanding the Verdict be given. To plead in *Arrest* of taking the Inquest upon the former Issue, is to shew Cause why an Inquest should not be taken, &c. *Brook. Tit. Repleader*. For preventing of *Arrests* of Judgments, see *Statute 16 & 17 Car. 2. cap. 8.* *Budaus* (says *Lambard Eirenarch. lib. 2. cap. 2. pag. 94.*) in his *Greek Commentaries*, thinks that the French Word *Arrest*, which with them (as we said) signifies the Decree or Judgment of the Court, took Beginning from the Greek *ἄρρεσθαι*, i. e. *Placitum*, as we may say the Pleasure of the Court, yet I believe rather that we receive the same from the *Normans* Law, because we use it in the same Sense with them: For commonly with us an *Arrest* is taken for the Execution of the Commandment of some Court, or of some Officer of Justice: But howsoever the Name began, an *Arrest* is a certain Restraint of a Man's Person, depriving him of his own Will, and binding him to become obedient to the Will of the Law: Precepts and Writs of the Highest Courts of Law, do use to express it by two several Words, *Capias* and *Attachies*, to take or catch Hold of: And it seems that this Word is spread farther than *France*, for *Gale*, a German Writer, shews by his *Treatise, De Arrestis Imperii*, that it is used in the Imperial Treaties, in the same Signification. *cap. 1. n. 1.*

*Arrestamus bonis ne dissipentur* is a Writ which lies for him whose Cattel or Goods are taken by another, who during the Controversy doth or is like to make them away, and will hardly be able to make Satisfaction for them afterward. *Register of Writs, fol. 126.*

*Arrestando ipsum, qui pecuniam recepit ad proferendum in obsequium Regis, &c.* is a Writ which lies for the Apprehension of him that hath taken Preit-Money for the King's Wars, and hides himself when he should go. *Register of Writs, fol. 24. b.*

*Arresto facto super bonis mercatorum alienigenarum, &c.* is a Writ which lies for a Denizen against the Goods of Strangers of any other Country, found within this Kingdom, in Recompence of Goods taken from him in that Country, after he hath been denied Restitution there. *Register of Writs, fol. 129. a.* This among the ancient *Civilians* was called *Clarigatio*, now barbarously *Reprisalia*.

*Arrestus, Arrestatus, quasi, Ad rectum vocatus*, that is, He who is conversed before a Judge, and charged with a Crime. It is sometimes used for

Imputed or laid unto; as, No Folly may be arrested to one under Age. *Littleton, cap. Remitter*. *Chaucer* useth the Verb *Arresteth*, i. e. Layeth Blame, as it is interpreted. *Bracton* says, *Ad rectum habere Malefactorem*, i. e. To have the Malefactor forth coming, so as he may be charged, and put to his Trial, *Lib. 3. tract. 2. cap. 10.* And in another Place, *Reatus de morte hominis*, charged with the Death of a Man.

*Arpennes, Arpennus*, the same with *Arpennis*, an *Arpen* or *Arpent*. *Ego Bernardus de Novo Mercato, consensu Henrici Regis, pro anima Joannis patris sui, dedi Sancta Trinitati Sanctoque Martino de Bello in Gualia super litus prefati fluminis, quod Tile dicitur tres Arpennes pratorum. Cartular. S. Jo. de Breon, MS.*

*Arrura*, — *Hoc Scriptum factum apud Sutton Courtenay, 30 Die Dec. 4 Edw. 3. inter Dominum Hugonem de Courtenay ex parte una & Ric. de Stanlake & Johannam uxorem ejus ex altera, testatur, quod idem Dominus Hugo in excambium — remisit — eidem Ricardo & Johanne — omnimoda opera, viz. Arruras, Messones & Carriagia, & alia quaecunque opera. — Et ipsi non dabunt Redde, &c. Penes Tho. Wollascote de Sutton predict. Ar.* And in the *Black Book of Heref.* I find *De operationibus Arruræ* which signifies Days-Works of Plowing: For, of old, Customary Tenants were bound to plow certain Days for their Lord.

*Arura*, The Trial of Money by Fire after it was coined. *Auri vel argenti confatio purgationis ergo vel examinis*. Where it is said in *Domesday*, *Reddit 50 l. ad Arsuram*, it is meant of lawful and approved Money, whose Allay was tried by Fire.

*Art* and *Part* is a Term used in *Scotland* and the North of *England*. When one is charged with a Crime they say, He was *Art and Part* in committing the same, i. e. That he was both a Contriver, and acted his Part in it.

*Arthel*, (*An. 26 H. 8. cap. 6.* — And that no Person or Persons shall hereafter, at any Time, cast any Thing into the Court within Wales, or the Lordships Marches of the same, by the Name or Name of an *Arthel*, by reason whereof the Court may be letted, disturbed, or discontinued for that Time, upon Pain of, &c.) is a *British* Word, and is more truly written *Arddel*, which the *South Welshmen* write *Ardhel*, and signifies (according to *Dr. Davis's Dictionary*) *Asipulari, Afferere, Vindicare; Assertio, Vindicatio; Angl. Vouch.* Example; *W. deitr Dym, al ledrad yn ei Law rhyd iddo geisio Arddel efreithlon, i swm ei ledrad oddymtho*, i. e. If a Man be taken with stolen Goods in his Hands, he must be allowed a lawful *Arddel* (*Vouchee*) to clear him of the Felony: Which is Part of the Law of *Howel Dda*; but probably was so abused in *Henry the Eighth's* Time, by the Delay or Exemption of Felons and other Criminals from Justice, that Provision by this Statute was made against it. According to the Laws of *Howel Dda*, every Tenant holding of any other than of the Prince or Lord of the Fee, paid a Fine *pro defensione Regia*, which was called *Arian Arddhel*.

*Articles of the Clergy (Articuli Cleri)* are certain Statutes made touching Persons and Causes Ecclesiastical, *Anno 9 Edw. 2.* and *Anno 14 Edw. 3. Stat. 3.*

*Articulus*, an Article or Complaint exhibited by Way of Libel in a Court-Christian: Sometimes the Religious bound themselves to obey the Ordinary without such Process: As *Anno Dom.*



1300, the Prior and Convent of *Burcester* submitted themselves to the Official of *Lincoln*, &c. *Quod possint, eos & eorum successores per omnem censuram Ecclesiasticam ad omnium & singulorum premissorum observationem, absque articulis seu libelli petitione, & quocumq; strepitu judiciali compellere.* Paroch. Antiq. Pag. 344.

*Arundinetum*, Ground, or a Place where Reeds grow. 1 *Inst.* fol. 4. b.

*Arvil*, Supper, a Feast or Entertainment given at Funerals, which Custom is still retained in some of the North, and North-west Parts of England. So *Arvil-bread*, the Loaves distributed to the Poor at such Funeral Solemnities. And *Arvil*, *Arval*, *Arfal*, are used for the Burial or Funeral Rites. As

*Come, bring my Ferkin Tibb, Ile to the Arvil,  
Yon Man's dea Seny Seoun, it makes me Marvil.*  
*Yorkshire Dial.* p. 58.

*Arura*, pro *Aratura*. Ploughing: *Una arura*, One Day's Work at the Plough. — *Tenet in bondagio & debet unam aruram in yeme, & unam furculaturam.* Paroch. Antiq. p. 401. Hence in *Wiltshire* to *Ear* is to plough, and an *Earing* is a Day's Ploughing. In which Sense the Word occurs in many Parts of the Old Testament, as *Gen.* 45. 6. *Deut.* 21. 4. 1 *Sam.* 8. 8. 12, &c.

*Ascensorium*, i. e. Steps by which one ascends. *Brevis est scala, non laboriosa, tribus tantum distincta ascensoriis.* *Petrus Blesensis.* Term. 24.

*Absterium* (*Archisterium*, *Assisterium*, *Acisterium*, *Asysterium*, *Architrium*, *Arctisterium*) is a Greek Word, and signifies a Monastery. It often occurs in our old Histories. *Du Cange.*

*Assereta*, a Secretary.

*Assach*, or *Assath*, Was a strange Kind of Purgation, used of old in *Wales*, by the Oaths of 300 Men: For so I find it explicated in ancient MSS. *Assach est un Jur. de 300 homes in Gales;* and is now abrogated. But this Custom prevailed to 1 H. 5. where a Statute cap. 6. reports it thus. — *Walli emprisonnez (Anglos) tanq. al temps que ils ont fait gree a eux en cel partie, ou que ils vorront se excuser (de le mort des tiels Rebelles enfy-tuez) per un Assath selonq la custome de Gales; cest a dire per le serement de ecc. hommes, &c.* *Spelman.*

*Assart*, *Assartum*; In the Opinion of *Manwood*, Part 2. ca. 9. nu. 5. Of the *Forest-Laws*, comes from the French *assartir*, signifying to make plain, *Assartum est quod redactum est ad culturam*, *Fleta lib. 4. cap. 21. Item respondere:* It is, saith the same *Manwood*, ca. 9. nu. 1. an Offence committed in the Forest, by pulling up by the Roots the Woods, that are Thickets and Covert for the Deer, and by making them as plain as arable Land. This is reputed the greatest Offence or Trespass, that can be done in the Forest to *Vest* or *Venison*, containing in it *Waste*, or more; for whereas *Waste of the Forest*, is but the felling and cutting down of the Coverts, which may grow up in Time again; an *Assart* is a plucking them up by the Roots, and utterly destroying them, that they can never grow again. And this is confirmed out of the *Red Book* in the *Exchequer*, in these Words, *Assarta vero, occasiones nominantur, quando, &c. Foresta nemora vel dumeta, pascuis & latibulis ferarum opportuna succiduntur; quibus succisis & radicibus avulsis terra subvertitur & excolitur.* And again, out of the *Reg. Orig.* fol. 257. a, b. in the Writ *ad quod damnum*, sent out in Case where a Man sueth for License to *Assart* his Grounds in

the Forest, and to make it several for Tillage; so that it is no Offence, if done with License. To this also may *Bracton* be added, *lib. 4. cap. 38. nu. 11.* where he saith, That the Words *Boscus efficitur assartum*, signify as much as *redactus in culturam*. Of this you may read more in *Cramp. Jur. fol. 203.* And in *Charta de Foresta*, 9 H. 3. ca. 4. where the English Word is not written *assart*, but *assert*. And in *Manwood*, Part 1. p. 171. The Word is used 4 E. 1. Stat. 1. in the same Signification. That which we call *Assartum*, is elsewhere termed *Disbocatio*: *Decis Genu. 78. Quietus de Effartis*, we find in a Charter of Henry the First to the Abbot of *Rames*, Sect. 198. & in *Pat. 18 E. 3. p. 1. m. 19. Et quibusdam Satis que sartaverunt homines ejusdem foresta, &c.* *Assart* was also anciently used for a Parcel of Land *assartea*, as appears by a Charter of Roger Earl of Mortimer, without Date, which is in the Custody of Mr. Thomas Bridgwater: *Sciant, quod ego Rogerus de Mortuo mare Dedi Adi Pistori pro servitio suo decem acras terra super Mughedone inter pratum quod fuit Petri Budelli & viam que vadit per medium Mughedone. Dedi; etiam eidem Adi Duo Asarta en la Hope, que appellantur Ordrichefruding & Al dicheruding, in quibus Asartis continentur quinque acra ad eandem mensuram tredecim acrarum super Mughedone, &c.* His testibus, Ade Salvag. Walt. de novo Menul, &c. The Word *Assartum* or *Effartum*, is by *Spelman* deriv'd from *Exertum*, as if Wood were thence pull'd or rooted up. Some derive it a *sarriendo*, from weeding or cleaning Fields. *Skinner* runs into more fanciful Conjectures, a *Lat. Exarturare*, i. e. *artus seu ramos arboris descindere, arbores detruere, vel si majori a Lat. Exaltuare*, i. e. *saltum in agrum cultum transmutare.* Mr. *Somner* is much more rational and happy, who thinks *Exartum* to be a Contraction of *Exaratum*; to which Opinion the learned *Du Fresne* inclines. *Alii denique ab Exaro unde Exaratum, Ager exaratus, præcisus; & per contractionem Exartum, uti scribi passim in vetustioribus Chartis observare est. Quam ultimam sententiam fulciunt Tabula veteres in Cronico Besuensi, &c.*

*Assatments*, (*Rot. Parl. 51 Ed. 3.* seem to be used in the same Sense as

*Assartments*, which were Rents paid to the Crown for Forest-Lands *assarted*. Stat. 22 Car. 2. cap. 6.

*Assault*, *Insultus* or *assultus*, Cometh of the French Verb *assayer*, i. e. *adoriri, invadere*; and that French Word may be derived from the Latin *assilire*, that is, *vim asferre, oppugnare*. It signifies in Law a violent kind of Injury offered to Man's Person, of a higher Nature than Battery; for it may be committed by offering of a Blow, or by a threatening Speech, *Lambar. Eiren. lib. 1. ca. 3.* As to threaten a Collector with harsh Words, so that he dares not for Fear execute his Office, hath been reckon'd an *Assault*. To strike at a Man, though he be neither hurt nor hit, hath been adjudged the like. 22 Lib. Ass. Pl. 60. That *Assault* doth not always imply a Blow or Striking, appears, in that in Trespass for *Assault* and Battery, a Man may be found guilty of the *Assault*, and excused of the Battery. 25 E. ca. 24. The Feudists call this *Assultum*, and define it thus, *Assultus est impetus in personam aut locum, siue hoc pedibus fiat, vel equo aut machinis, aut quacunque alia re assiliatur.* *Zafius de Feud. p. 10. nu. 38.* And *assilire est vim asferre*, *Lib. Feud. 1. Tit. 5. Sect. 1. Lat. Assaltus.* — *Habeant Abbas & Monachi Radigenses in tota possessione sua omnem Justitiam de Assaltu,*

*Affaltu, & murdris, & furtis, de sanguinis effusione, & Paris infractions.* Cart. 1 Hen. 1. in Cartular. Abbat. de Radinges, MS. f. 1. b. The Word *Affaltus* does in the like Sense occur in the Laws of Ed. Conf. cap. 12.

**Affay** of Measures and Weights. (Derived from the French *Essay*, i. a Proof or Trial,) is the Examination used by the Clerk of the Market, Reg. Orig. fol. 279. *De assitam & assayam panis, vini & cervisie.* Paten. 37 H. 8. Tho. Marrow.

**Affayer** of the Mint, (*Affayator Regis*) French *Affayeur*, Is an Officer of the Mint, for the due Trial of Silver, indifferently appointed between the Master of the Mint, and the Merchants that bring Silver thither for Exchange. 2 H. 6. ca. 12. Vessels of Gold shall be assayed. 28 E. 1. ca. 20. & 18 Car. 2. ca. 5. *Mandatum est Will. Hardel Clerico, quod convocatis in presentia sua omnibus, Monetariis, Assayatoribus, custodibus, operariis, & aliis ministris de Cambiis Regis London. & Cantuar. per visum & testimonium illorum provideat, quod tot & tales operarii sint in predictis Cambiis, qui sufficient ad operationes regias faciendas, ne Rex pro defectu hujusmodi ministeriorum dampnum incurrat.* T. apud Woodstoke 10 Jun. Claus. Hen. 3. n. 8.

**Affayse**, To take Confessors or Fellow Judges. — *Henricus Dei gratia Rex Angl. &c. dilecto & fideli suo Nicholao de la Tur, salutem. Sciamus quod constituimus vos Justiciarium nostrum una cum hiis quos vobis duxeritis Assayandos ad assitam nova Dissensine capiendam.* — Cartular Abbat. Glaston. MS. f. 57.

**Affecurate, Adsecurare**, To assure or make secure by Pledges, or any solemn Interposition of Faith. In the Charter of Peace between Hen. II. and his Sons, recorded by Hoveden, sub an. 1174. *Adsecuravit in manu Domini Regis Patris sui, quod illis qui servierunt ei, nec malum nec dampnum aliquod hac de causa faciet.*

**Affeduation**, the Setting of the King's Rents: *Ubi Ballivus Regis pacta sibi mercede pradia Regis minore pretio elocat.*

**Assembly unlawful**, Coming from the French *Assembler*, i. e. *Aggregare*, to flock together; whence also is the Substantive *Assembly, Congregatio*; in a legal Sense signifying the Meeting of three or more Persons, to do an unlawful Act, although they do it not. Lamb. Eiren. lib. 1. ca. 19. See *Unlawful Assembly*.

**Assessor**. *Fleta lib. 1. cap. 15. useth it quasi Ordinator, Collector, Dispositor*: We now use it for him who assesseth publick Taxes, as two Inhabitants in every Parish were Assessors for the Royal Aid, that is, rated every Person according to the Proportion of his Estate. Anno 16 & 17 Car. 2. cap. 1. Also an Officer in the Presbyterian Assemblies.

**Assets**, From the French *Asses*, i. e. *Satis. Braet. lib. 5. tract. 3. ca. 8. nu. 2.* And altho' this Word wear the Vizard of a Substantive, yet is it in Truth but an Adverb, and signifies Goods enough to discharge that Burthen, which is cast upon the Executor or Heir, in satisfying the Testator's or Ancestor's Debts and Legacies. See Bro. Tit. *Assets per descent*, that whosoever insists upon *Assets*, intends thereby that the Parry charged hath enough descended, or come to his Hands, to discharge the Thing in Demand. The Author of the *New Terms of Law*, maketh two Sorts of *Assets*; *Assets per descent*, and *Assets enter mayns*: *Assets per descent* is where a Man is bound in an Obligation, and dies seized of Land in Fee-simple, which descend to his Heir, then his Land shall be called *Assets*, that is, enough sufficient to pay

the same Debt, and by that Means the Heir shall be charged as far as the Lands so to him descended will extend. But if he have alienated before the Obligation be put in Suit, he is discharged. Also when a Man seized of Lands in Tail, or in the Right of his Wife, aliens the same with Warranty, and hath in Value as much Lands in Fee-simple, which descends to his Heir, who is also Heir in Tail, or Heir to the Woman; now if the Heir after the Decease of his Ancestor, bring a *Writ of Formedon*, or *Sur cui in vita*, for the Land so alienated; then he shall be barred, by Reason of the Warranty; and the Land so descended, which is as much in Value as that which was sold, and so thereby he hath received no Prejudice; therefore this Land is called *Assets per descent*. 2. *Assets enter mayns* is when a Man indebted makes Executors, and leaves them sufficient to pay his Debts and Legacies; or some Commodity or Profit is come to them in Right of their Testator; this is called *Assets in their Hands*.

**Asseware**, To draw or drain out Water from Marshy Grounds, — *Quod ipsi marisum pradiatum Assewiare, & secundum legem marisci wallis includere & in culturam redigere, — & marisum istum sic Assewiratum, inclusum, & in culturam redactum tenere.* Mon. Ang. 2 Vol. fol. 334.

**Assidere** or **Assidare**, to Tax equally. *Provisum est generaliter quod predicta Quadragesima hoc modo assideatur & colligatur.* Matt. Paris. an. 1232. Sometimes it signifies to assign an annual Rent to be paid out of a particular Farm; as *Manerium Rex Stephanus dedit & assedit eis centum marcis*.

**Assist**, *Assignare*, has two Significations, one general, as to appoint a Deputy, or set over a Right unto another; in which Sense Britton saith (fol. 122.) This Word was first brought into Use for the Favour of Bastards, because they cannot pass under the Name of Heirs, therefore were and are comprised under the Name of *Assignees*. The other Signification is special, as to point at, or set forth; so we may say to assign Errors, Old N. B. fol. 19. that is, to shew where the Error is committed. To assign false Judgment, Id. fol. 17. that is, to declare how and where the Judgment is unjust. To assign a false Verdict. Id. fol. 112. And to assign a Perjury. Ann. 9. R. 2. cap. 3. To assign the Cesser. Old Nat. Brev. fol. 1341. To shew how the Plaintiff had cessed or given over. To assign Waste, is to shew wherein especially the Waste is committed. Reg. Orig. fol. 72. Assign in a general Signification is used 20 E. 1. and 11 H. 6. ca. 2. in these Words, *Justices assigned to take Assizes*. And the Substantive *Assignment* hath the same Signification, West. Symbol. par. 1. lib. 2. sect. 496. As the Assignment of a Lease, is the setting over the Interest of the Lessee to another. In which Manner is used also the Word *Assignee, assignatus*, for one that is appointed or deputed by another, to do any Act, or perform any Business, or enjoy any Commodity. And such an *Assignee* may be either by Deed, or in Law: *Assignee by Deed*, is he that is appointed by a Person; as when a Lessee of a Term Assigns the same to another, he is his *Assignee by Deed*: An *Assignee in Law*, is he whom the Law so makes, without any Appointment of the Person. Dyer, fol. 6. nu. 5. So an Executor is *Assignee in Law* to the Testator, who dies possessed of a Lease made to him and his Assigns. Perkins (Tit. Grants) saith, That an *Assignee* is he that occupieth a Thing in his own Right, and Deputy is he that doth it in the Right of another.

**Assignment of Dower.** See *Establishment of Dower*.

**Assimulare, i. e.** To put together. 'Tis mentioned in *Leg. H. 1. cap. 8. De via regia, viz. Tanta vero debet esse, ut inibi duo carvi sibi possint obviare, & bubulci de longo stumbli sui possint Assimulare, &c.*

**Assisa cadere,** To be Nonsuited. In what Cases such Nonsuit is suffered, see *Fleta lib. 4. cap. 15. & lib. 5. cap. 6.*

**Assisa, Capi in modum Assise, i. e.** When the Defendant pleads to the Assize without taking any Exception to the Count, Declaration, or Writ.

**Assisa cadit, i. e.** when there is such a plain and legal Insufficiency, that the Complainant can proceed no farther in it. *Fleta lib. 4. cap. 15.*

**Assisa cadit in iuratum** is where the Thing in Controversy is so doubtful, that it must necessarily be tried by a Jury. *Fleta, lib. 4. cap. 15. Bracton, lib. 2. cap. 7.*

**Assisa Continuanda** is a Writ directed to the Justices assigned to take an Assize, for the Continuance of the Cause, in Case where certain Records alleged cannot in Time be procured by the Party that would use them. *Reg. of Writs, fol. 217.*

**Assisa Danis & Cervisæ,** the Power or Privilege of Assising or adjusting the Weights and Measures of Bread and Beer. As the Weight of Bread prescribed by the Magistrate is still called the Size or Assize of Bread. So Half a Crust or Farthing-Bread is in *Cambridge* called a Size of Bread; and a Servitor is there a Sizer, or one who is to live upon such an Assized Allowance: Hence to Size, i. e. to match Cloths, Silks, &c. or to get some of the same Assize or Proportion: Hence Size for Height and Stature. Sizely in the North is proud and coy.

**Assisa Prozoganda** is a Writ directed to the Justices of Assize, to stay proceeding by Reason of the King's Business, wherein the Party is employed. *Reg. of Writs, fol. 208, & 221.*

**Assise,** Cometh of the French Assise, which in the Grand Customary of *Normandy, ca. 24.* is thus defined. Assise is an Assembly of Knights, and other substantial Men, with the Bailiff, or Justice, in a certain Place, and at a certain Time appointed: And again *ca. 55.* Assise is a Court in which, whatsoever is done, ought to have perpetual Strength. This Word is properly deriv'd from the Latin Verb *assideo*, to sit together. *Littleton* in his Chapter of Rents saith, That it is *Æquivocum*, setting down three several Significations of it; one, as it is taken for a Writ; another, as it is used for a Fury; the Third, as for an Ordinance. Assize then is taken for a Writ directed to the Sheriff, for the Recovery of the Possession of Things immoveable, whereof any one, or his Ancestors, have been disseized. And this is as well of Things Corporeal, as Right Incorporeal, being of four Sorts, as here follow in Order.

**Assize of Novel Disseisin, Assisa Nova Disseisina,** lies where a Tenant in Fee-simple, Fee-tail, or for Term of Life, is lately disseized of his Lands or Tenements, or else of a Rent-service, Rent-seck, or Rent-charge, of Common of Pasture, of an Office, of a Toll, Tronage, Passage, Pawnage, or for a Nuisance levied, and divers other such like; for Confirmation whereof, you may read *Glanville, lib. 10. cap. 2. Bract. lib. 4. tract. 1. per totum, Britton, cap. 70. & seq. Reg. Orig. fol.*

*197. F. N. B. fol. 117, 178, 179. New Book of Entries, fol. 74. col. 3. West. 2. c. 25. an. 13 E. 1.* And to this may aptly be added the Bill of Fresh Force, which is directed to the Officers, or Magistrates of Cities, or Towns Corporate, being a Kind of Assize, for Recovery of Possession in such Places, within forty Days after the Force, as the ordinary Assize is in the County. *F. N. B. fol. 7. A tut ceus ke cest escrit oirunt ou verrunt Reynande de Ginges salut. Come Hawise de Vere moy empleda devant Juistices en le oyer de Chelmsford par un Brief de Novel disseisin de un chemin ke io avoy esto: pee ou luy & ses tenants de son Maner de Dunham soloient & devoient aleer, karier & chaiseer seerfus le Marche de Raylee, sans nul disturbance en un chemin keft appelle Martinlane ke se estent de le meason Ade Martin deskes au chemin keft appellee Brunshetvet. Fo pur moy & mes beires voile & graunt a lavandit Hawise & a ses beires & a ses avantdits tenants de Dunham kil eent le avantdit chemin sans nul disturbance de moy ou de mes beirs a tuts jours a aleer chacier & karier sicome est avantdit. En tesmoiance de cest chose io lure ay donne ma lettre patente enselee de mon seele devant Sire William de Lamburne, Nicolas de Barenton, &c. donne a Chelmsford le Meskredy prochein avant le Feste St. Simon & St. Jude, le an treseime du regne le Roy Edward. Penes Will. Andrew Baronei. Dom. Manerii de Dunham, alias Downham. This the Civilians, call Judicium Possessionem recuperandi.*

**Assise of Mort d'ancestors, Assisa mortis antecessoris,** Lieth where my Father, Mother, Brother, Sister, Uncle, Aunt, &c. died seised of Lands, Tenements, Rents, &c. that he had in Fee-simple, and after his Death a Stranger abateth: And it is good as well against the Abator, as any other in Possession. How this may be extended, see *Bract. lib. 4. tract. 3. per totum. Brit. cap. 70. Fitz. Nat. Brev. fol. 114. Reg. Orig. fol. 223.* This the Civilians call *Judicium Possessionem adipiscendi.*

**Assise of Darrein Presentment, Assisa ultima presentationis,** lies where I or my Ancestor have presented a Clerk to a Church, and after the Church being void by his Death, or otherwise, a Stranger presents his Clerk to the same Church in Disturbance of me: And how otherwise this Writ is used, see *Bract. lib. 4. tract. 2. Reg. Orig. fol. 30. F. N. B. fol. 195.*

These Assizes of Novel Disseisin, Mort d'ancestors, Darrein Presentment, and De Communia pasture, were instituted by *Hen. 2.* in the Place of Duels: And therefore *Glanville* tells us, That *Magna Assisa est Regale beneficium, clementia Principis de consilio procerum populis indultum, in quo vita hominum & status integritati tam salubriter consultitur, ut in jure, quod quis in libero soli tenemento possidet, retinendo, duelli casum homines declinare possunt ambiguum, &c. Lib. 2. cap. 7.*

**Assise de utrum,** Lieth for a Parson against a Layman, or a Layman against a Parson, for Land or Tenement, doubtful whether it be Lay-fee, or Free-alms. And of this, see *Bract. lib. 4. tract. 5. cap. 1. Brit. cap. 95.* The Reason why these Writs be called Assises, may be divers. First, because they settle the Possession, and so an outward Right in him that obtaineth by them. Secondly, they were originally executed at a certain Time and Place formerly appointed. For by the Norman Law, the Time and Place must be known 40 Days before the Justice fate upon them: And by our Laws likewise there must be 15 Days of Preparation, except they be tried in the standing Courts

Courts of the King at *Westminster*, as appeareth by *F. N. B.* fol. 177. Lastly, They may be called *Affises*, because they are tried most commonly by special Courts, set and appointed for that Purpose, as may well be proved, not only out of the *Customary of Normandy*, but our Books also; which shew, that in ancient Times, Justices were appointed by special Commission to dispatch Controversies of Possession, one or more, in this or that only County, as Occasions fell out, or Disseins were offered, and that as well in Term-time as out of Term: Whereas, of later Days we see that all these Commissions of Affises, of Eyre, of Oyer and Terminer, of Gaol-delivery, and of *Nisi prius*, are dispatched all at one Time, by two several Circuits in the Year, out of Term, and by such as have the greatest Sway of Justice, being all of them either the King's Ordinary Justices of his Benches, Barons of the Exchequer, Serjeants of the Law, and such like; concerning which, hear the Learned Lord *Verulam* in his Use of the Law, fol. 13. ad. 21.

All the Counties of this Realm (says he) are divided into six Circuits, and two Men learned in the Law are assigned by the King's Commission in every Circuit, who ride twice a Year thro' those Shires allotted to that Circuit; these we call Justices, or Judges of Affise, who have five several Commissions, by which they sit. The first is a Commission of Oyer and Terminer directed to them, and many others of the best Account in their Circuits. But in this Commission the Judges of the Affise are of the *Quorum*, so as without them, there can be no Proceedings. This Commission gives them Power to deal with Treasons, Murders, and all Manner of Felonies and Misdemeanors, and this is their largest Commission. The 2d is of Gaol-delivery, and that only to the Judges themselves, and the Judges of the Affise associate; by this Commission they are to deal with every Prisoner in Gaol, for what Offence soever he be there: The third Commission is directed to themselves only, and the Clerk of the Affise to take Affises, by which they are called Justices of Affise; and the Office of these Justices, is to do Right upon Writs called Affise, brought before them by such as are wrongfully thrust out of their Lands. The fourth Commission is to take *Nisi prius*, directed to none but the Judges themselves and their Clerks of Affises, by which they are called Justices of *Nisi prius*. The fifth is a Commission of Peace in every County of their Circuit: And all the Justices of Peace, having no lawful Impediment, are bound to be present as the Affises, to attend the Judges, as Occasion shall fall out; if any make Default, the Judges may set a Fine upon him at their Pleasure and Discretions: The Sheriff of every Shire, is also to attend in Person, or by a sufficient Deputy, allowed by the Judges, who may fine him, if he fail, &c. See more in Sir Francis Bacon's Use of the Law, fol. 13 to 21. This excellent Constitution of the Judges Circuits and Affises was begun by Hen. 2. anno 1176, though somewhat different from what they now are.

Affise, in the second Signification, according to *Littleton*, is used for a Jury; for (to use his own Example) it is set down in the Beginning of the Record of an Affise of Novel Disseisin; as *Affisa venit recognitura*, which is as much as to say, Juratores veniunt recognitari: And the Reason why the Jury is called an Affise, he giveth to be this, because by a Writ of Affise, the Sheriff is commanded, *Quod faciat duodecim liberos & legales homines*

de vicineto, &c. videre tenementum illud, & nomina eorum imbrevari, & quod summoneat eos per bonas summonitiones, quod sit coram Justiciariis, &c. parati inde facere recognitionem, &c. This is (to speak shorter) Metonymia effecti, for they are called the Affises, because they are summoned by Virtue of the Writ so called. And yet the Jury summoned upon a Writ of Right, is likewise called the Affise; though it be not an Affise, but is so termed καὶ ὁμοῦ, or abusively. Affise in this Signification, is divided into *Magnam*, & *Parvam*, *Glanv. lib. 2. cap. 6, 7, &c. & Brit. cap. 12.* where it appeareth, wherein the Great Affise differeth from the Petit Affise. The former four Kinds of Affises used in Actions only Possessory, are called Petit Affises, in respect of the Grand Affise: For the Law of Fees is grounded upon two Rights; one of Possession, the other of Property. And as the Grand Affise serveth for the Right of Property, so the Petit Affise serveth for the Right of Possession. *Horn's Mirror of Just. lib. 2. cap. de Novel Disseisin.* Affise in the third Signification, according to the same *Littleton*, is an Ordinance or Statute, as the Statute of Bread and Ale, made 51 H. 3. is termed The Affise of Bread and Ale, *Affisa Panis & Cerveisia. Reg. Orig. fol. 279.* The Affise of Clarendon, *Affisa de Clarendon*, whereby those that be accused of any heinous Crime, and not able to purge themselves by Fire and Water (perhaps *Ordeal*, *Ordalium*) but must abjure the Realm, had Liberty of 40 Days to stay, and try what Succour they could get of their Friends, towards their Sustainance in Exile. *Staundf. Ple. Cor. fol. 118.* which he seemeth to have taken out of *Bract. lib. 3. tract. c. cap. 16. num. 2.* See also *Roger Hoveden, parte poster. suor. Annal. fol. 313. in Hen. Secundo.*

Affise of the Forest, *Affisa de Foresta*, is a Statute or Condition, touching Orders to be observed in the King's Forest. *Manswood's Forest Laws, part 1. p. 35. Cromp. in the Court of Justices of the Forest, per totum, fol. 146, &c.* And the Affise of the King, *Anno 18 Ed. 1. Stat. 1.* called the Statute for View of Frank-pledge. And these be called Affises, because they set down and appoint certain Measure, Rate or Order in the Things they concern. Of Affise, in this Signification, *Glanville* speaks. *Lib. 3. cap. 10. in fine. Generaliter verum est quod de quolibet placito quod in comitatibus deducitur & terminatur, misericordia qua inde procedit, vicecomiti debetur: Quae quanta sit, per nullam Affisam generalem determinandum est:* And thus much touching *Littleton's* Division. But if we mark well the Writers of the Law, we shall find this Word Affise more diversely used, than he (*Littleton*) hath noted. For it is sometimes used for the Measure or Quantity it self, (and that per Metonymiam effecti) because it is the very Scantling described or commanded by the Ordinance; as we say, when Wheat, &c. is of such Price, then the Bread, &c. shall be of such Affise. This word is further taken for the whole Process in Court, upon the Writ of Affise, or for some Part thereof, as the Issue or Verdict of the Jury: For Example, *Affises of Novel Disseisin*, &c. shall not be taken, but in their Shires, and after this Manner, &c. *Mag. Chart. c. 12.* and so it seems to signify. *West. 2. cap. 25. 13 Ed. 1. in these Words. Let the Disseisor alledge no false Exceptions, whereby the taking of the Affises may be deferred, &c.* And 34 E. 1. Stat. 2. if it be found by Affise; the Affise is arraigned, to aver by the Affise, the Affise by their Default shall pass against them. And also 4 H. 6. c. 2. Aff-



c. 2. *Affizes* awarded by Default of the Tenants, &c. Lastly, by Merton, cap. 4. an. 20. H. 3. Certified by the Affize, *Quit by the Affize*, &c. And in this Signification *Glanville* calleth it *Magnam Affisam Domini Regis*, quæ ex duodecim ad minus legalium hominum Sacramentis confistit, lib. 2. cap. 7. *Bract.* useth it in like Sort, as *Affisa cadit in transgressionem*. Id. c. 30. & *affisa cadit in perambulationem*. Id. c. 31. num. 2. *Fleta* defineth an *Affise* in this Signification, thus, *Affisa in jure possessorio, est quedam recognitio duodecim hominum juratorum, per quam Justitiarum certiorantur de articulis in brevi contentis*. And *Affize* also thus signifying, is said sometimes to pass, *per modum affise*, and sometimes in *modum jurate*: In manner of an *Affize*, when only the *Disseisin* in Question, is put to the Trial of the Twelve; in manner of a *Fury*, when any Exception is objected, to disable the Interest of the *Disseisee*, and is put to be tried by the Twelve, before the *Affise* can pass: As for Example, *Questio status, causa successionis, causa donationis, pactum sive conditio vel conventio, voluntas & dissimulatio, transactio vel quæta clamati, vel remissio, confirmatio sive consensus, propria usurpationis rei propria, difficultas judicii, justum Judicium, finis, Chirographum, intrusio in rem alienam vel disseisina, si incontinenter rejiciatur, negligentia qua per transsum temporis excludit actionem*. *Fleta*, lib. 10. sect. 1. Whom read also to this Point, cap. 11. sect. Si autem a Domino: And at large, cap. 16. ejusd. lib. & lib. 5. cap. 6. sect. Item vertitur affisa. And note, That *Affise* in this Signification is taken four Ways. *Fitz. Old Nat. Brev.* fol. 105. The first is *Affise* at large, which is taken as well upon other Points, as upon the *Disseisin*, v. g. where an Infant bringeth an *Affise*, and the Deed of his Ancestor is pleaded, whereby he claimeth his Right, or founded his Title, then the *Affise* shall be taken at large; that is, the Jury shall enquire not only whether the Plaintiff were disseised or not by the Tenant, but also of these two Points, viz. Whether his Ancestor were of full Age, of good Memory, and out of Prison, when he made the Deed pleaded. Another Example out of *Kitch.* fol. 66. The Tenant pleaded a Foreign Release in Bar to an *Affise*, whereupon the Cause was adjourned: At the Day the Tenant maketh Default, therefore the *Affise* was taken at large, that is, not only whether the Plaintiff was disseised, but also whether there be any Foreign Release. A third Example you may read in *Littleton*, cap. *Estates upon Condition*. The second manner of *Affise* in Point of *Affise*, (*Affisa in modum Affisæ*) which is, when the Tenant, as it were, setting Foot to Foot with the Demandant, without farther Circumstance, pleaded directly to the Writ, *no Wrong, no Disseisin*. The third Manner is, *Affise* out of the Point of *Affise* (*Affisa extra Affisam, vel in modum jurate*), viz. when the Tenant alledgeth some by Exception, that must be tried by a Jury, before the principal Cause can proceed; as if he plead a Foreign Release, or Foreign Matter triable in a Foreign County. For in this Case, the Justices refer the Record to the Court of Common Pleas, for the Trial of the Foreign Plea, before the *Disseisin* can come to be discussed. Of this Sort, read divers Examples in *Bract.* lib. 4. part. 1. cap. 34. & *Britt.* ca. 52. The Fourth and last Manner is, *Affise* of Right of Damages; and that is, when the Tenant confesseth an Ouster, and referring it to a Demurrer in Law, whether it were rightly done or not, is adjudged to have done wrong; for then shall the Demandant have a

Writ to recover Damages, which is called *Affise* to recover Damages, as also the whole Process. *Affise* is further taken for the Court, Place or Time, when and where the Writs and Processes of the *Affise* be handled or taken. And in this Signification *Affise* is general; as when the Justices go their several Circuits, every Couple with their Commission, to take all *Affises* twice in the Year, which is called the *General Affises*, for he that speaketh of any Thing done at that Time, and in that Place, will commonly say, It was done at the *General Affises*. It may likewise be special in this Signification, (as if a Special Commission should be granted to certain Persons as in ancient Times they often were, *Bract.* lib. 3. cap. 11. in fine) for taking an *Affise* upon one *Disseisin* or two; any Thing done in the Court before them, a Man will say was done at such *Special Affise*. And in this Signification *Glanville* useth it, *Lib. 9. cap. 12.* in these Words, *Si contra Dominum suum, & non infra affisam, tunc distringitur ipse occupator*, &c. And *lib. 13. cap. 32. M. Skene, de verbor. Sig. Tit. Affise*, saith, That in Scotland this Word hath five Significations; touching the Fifth, he hath these Words, An *Affise* is called a certain Number of Men, lawfully summoned, received, sworn, and admitted, to judge and discern in divers Civil Causes, &c. whereof there be two Kinds; one ordinarily in Use, which may be called a *Little Affise*, of the Number of thirteen or fifteen Persons; the other, a *Great Affise*, consisting of twenty-five Persons, &c.

*Affisores*, *Affisores*, sunt qui affisas condunt, aut taxationes imponunt, saith *Spelman*. In Scotland, according to *Skene*, they are the same with our Jurors, and their Oath is this:

We shall leil suith say,  
And na suith conceal, far na thing we may,  
So far as we are charg'd upon this Affise,  
Be God himself, and be our Part in Paradise.  
And as we will answer to God, upon  
The dreadful Day of Dome.

*Affisus*, Dismissed or farmed out for such an *Affise*, or certain assessed Rent in Money or Provisions. *Terra Affisa*, was commonly opposed to *Terra Dominica*: This last being held in Demaine, and occupied by the Lord; the other let out to inferior Tenants. So among the Lands of the Knights Templars, belonging to their Preceptory of *Sandford*, Com. Oxon. *Apud Covele de dono Matildis Regine habentur quatuor hide, quarum dua sunt in Dominico, & dua affisæ ab Homibus, apud Meritone dua in Dominico, & quinque affisæ ab Homibus*. Mr. Kennet's Paroch. Antiq. p. 141. Hence *Redditus affisus*, the set or standing Rent. *Sunt ibidem de reddito affiso xl s. Ibid. p. 314. Summa reddituum affisorum de manerio*; p. 355. Hence to *assess* or allot the Proportion and Rates in Taxes and Payments, by *Affessors* in *Assessments*.

*Affithment*, A Wiregeld or Compensation by a pecuniary Mulct: From the Preposition *Ad*, and the Sax. *Ditthe*, *Vice*: *Quod vice supplicii ad expiandum delictum solvitur*.

*Affnasare*, From the Sax. *Afnasan*, *impingere*: It signifies to carry his Pike so carelessly that a Man is killed with it, *Si quis hastam humero gestavit in quam alius forte fortuna impegerit, equum esse videtur capitis estimationem sine omni multa ei impere*. *Leges Alfred.* cap. 39. *Si autem oculos affnasset, reddat Weram ejus*, &c. cap. 38. See *Possibilitas*.



**Afforiation, Associatio,** Is a Patent sent by the King, either of his own Motion, or at the Suit of the Plaintiff, to Justices appointed to take Assises of *Novel Disseisin*, or of *Oyer and Terminer*, &c. to take others unto them as Fellows and Colleagues in that Business. As if the King makes three Justices of Assize, and afterwards one of them dies, there the King may grant a Patent of *Association* to another, to associate him to the two, in Place of him that is dead, and a Writ which shall be close, directed to the two Justices that are alive to admit him. F. N. B. 185. & 111. The Examples, and sundry Uses hereof, may be found in several Places, but particularly in *Regist. Orig. fol. 201, 202, 205, 206, 207, 223, 224*.

**Affoile, (Absolvere)** Signifies to deliver, or set free from an Excommunication. *Staundf. Pl. Cor. lib. 2. cap. 18. fol. 71. b.* whose Words are to this Effect, otherwise the Defendant should remain in Prison, till the Plaintiff were *affoiled*, that is, delivered from his Excommunication. So that in 1 H. 4. cap. 10. Mention being made of King Edward III. it is added, *Whom God affoyle.* *Henric Duc de Lancastre, Count de Leicestre, de Derby & de Nicole, Senescal Dengleterre, A tous ceux que ceste endenture verront ou orront salut en Dieu, Come nostre chere & bien ame cousin John de Blount eit en nostre main venduz seissaunte acres de terre ou les appartenances en Salford en nostre Duchee de Lancastre les quels il avoit a luy & a ses Heirs du don & Feofment nostre tres honore Seigneur & pere, que Dieu affoile, &c. Dat. 30 Edw. 3. penes Wal. Kirkham Blount. Bar.*

**Affotte,** To *affotte* a Woman, that is, to be mad after a Woman.

**Assumption, i. e.** The Day of the Death of a Saint, so called, *Quia ejus anima in cælum assumitur.* Du Cange.

*Tandem clara dies, Regina adsumptio cælis, Regi parentis adest.* —

**Assumpsit,** Is a voluntary Promise made by Word, whereby a Man *assumeth*, or taketh upon him, to perform or pay any Thing unto another. This word included any verbal Promise made upon Consideration, which the *Civilians* exprefs by divers Words, according to the Nature of the Promise; calling it sometimes *Patium*, sometimes *Sponsionem*, sometimes *Promissionem*, *Pollicitationem*, *Constitutum*. The Word is derived from the Latin Verb *assumpsit*, and bears the Sense of, He hath assumed upon, or undertaken.

**Ass Passage.** See *Trajectum*.

**Astrarius Hæres.** *Dicitur ille cui antecessor in vita sua per cartam hereditatem restituit.* Co. Inst. p. 1. f. 8. b. — De Astro & Astrario, *vid.* Selden's *Notes on Hengham*, p. 130.

**Astrikilthe, or Attrahilthet,** Is a Saxon Word, and denotes, say LL. Divi Edwardi, cap. 30. *Hi qui pacem Regis habent, vel manu vel brevi, &c. Qui si nimis confidens in pace quam habet, per superbiam aliqui forisfecerit, damnum restauret & iterum tantundem quod Angli vocant Astrikilthet.* See *Hoveden. pag. 606.*

**Astrum,** A House or Place of Habitation, from *Astre*, which *Spelman* renders the Hearth of a Chimney, a Sax. *Hearth, Focus, Fornacula.* — 18 Ed. 1. *Præceptum fuit Vicecom. quod replegiat corpus Willielmi Jakes quod Ricardus de Sancto Valentio cepit & captum tenuit. Qui Ricardus venit & advocat captionem ut de Villano suo, & quod cepit ipsum in*

*Astro suo in quo natus fuit, eo quod seipsum elongavit de Astro prædicto.* Placit. Hillar. 18 Ed. 1. *Villani autem in veteribus astris suis commorantibus non competit hujusmodi remedium.* Fleta lib. 2. cap. 2. parag. 8. de *Nativis.*

**Ategar, A Sort of Weapon among the Saxons.** *Flor. Wigorn. sub. an. 1040.* and from him, *Hoveden sub eodem anno, — In manu sinistra clipeum, cujus umbo clavique erant deaurati, in dextra lanceam, quæ lingua Anglorum Ategar appellatur.* It seems to have been a Hand-dart, from Sax. *Aeton*, to sling or throw, and *gar*, a Weapon. *Spelman.*

**Ath, Atha, Athe, an Oath.**

**Athys, Adaa, A Power or Privilege of exalting and administering an Oath, in some Cases of Property and Right.** From the Saxon *Ath, Jurementum, Oath.* Among the Privileges granted by Hen. 2. to the Monks of *Glastenbury, — Habeat quoque eadem Ecclesia Socam & Sacam on Stronde and on Streme, on Wode, and on Feld, on Gristbriche, on burh-briche. Adaa, Ortels, Eallebordas, &c.* the same Privilege called *Othes* in another Charter to the same Abbey, — *Abbas & Conventus babeant hundred Setne, Othes and Ordles, Ealle, Twidus, &c.* Cartular. Abbat Glaston. MS. f. 14. & 37.

**Athetswar, an Hoggard, or one who looks after Hogs.**

**Atia.** See *Odio & Atia.*

**Atilia, i. e.** Utensils or Country-Implements: *Remaneant duo equi caretari cum caretta, & triginta sex boves cum quatuor carucis & atiliis.*

**At large, Ad largum.** See *Verdict at large.* Lit. fol. 98. To vouch at large. *Old. Nat. Brev. fol. 108.* To make Title at large. *Kitchin, fol. 68.* See *Bar.*

**Atrebatii, Berksire.**

**Atrium,** signifies a Court before a House, and sometimes a Church-yard.

**Attache, Attachiare** Cometh from the French *attacher*; that is, *figere, nettere, alligare*: In the Common Law, it signifies to take or apprehend by Commandment of a Writ or Precept; *Lamb. in his Eirenarch. lib. 1. c. 16.* makes this Difference between an *Arrest*, and an *Attachment*, that *Arrest* proceedeth out of lower Courts, by Precept; and an *Attachment* out of higher Courts, by Precept or Writ; and that a Precept to arrest hath these formal Words, (*Duci facias*), and a Writ of *Attachment* these Words, (*Præcipimus tibi quod attachies talem & habeas eum coram nobis, &c.*) Whereby it appears, That he which arresteth, carrieth (or ought to carry) the Party arrested to a Person of Higher Power to be disposed of forthwith; he that *attacheth*, keepeth the Party *attached*, and presents him in Court at the Day assigned. Yet we may take Notice, That an *Attachment* issued out of a Court-Baron, which is an Inferior Court. *Kitchin, Attachment in Court-Baron, fol. 79.* Another Difference there is, that an *Arrest* only lies upon the Body of a Man, but an *Attachment* chiefly upon his Goods: And this also makes it differ from a *Capias*, which lays hold only of a Body, whereas a Man may be *attached* by an hundred Sheep. Other Differences between a *Capias* and *Attachment*, and a *Distress*, may be these. First, an *Attachment* differs from a *Capias*; that in a Court-Baron, a Man may be *attached* by his Goods, but a *Capias* shall not go out thence. Secondly, a *Capias* (be it the *Grand Cape*, or the *Petit Cape*) taketh hold of immoveable Things, as Lands or Tenements, and properly belongs to Actions real, as may be gathered from their Forms, F. N. B. whereas *Attachment* hath Place rather

rather in personal Actions. *Bract. lib. 4. tract. 4. cap. 5. num. 5.* See *Skene, de verbor. Sign. Tit. Attachiammentum.* In the next Place, an Attachment differs from a *Distress*. *Kitch. fol. 78.* holds, That the Process in a Court-Baron, is *Summons, Attachment and Distress*. *Old. Nat. Brev. fol. 27.* That the Process in a *Quare Impedit*, is *Summons, Attachment, and one Distress*. And *fol. 28.* speaking of the Writ *Ne admittas*, saith, The Process is one Prohibition, and upon that Attachment and Distress. And *fol. 32.* in a Writ of *Indicavit*, after the Attachment returned, the Distress shall go out of the Rolls of the Justices. *Bracton* on the other Side. *Lib. 5. tract. 3. cap. 4. num. 2.* thinks, that *Attachiammentum & magnum Cape, sunt Distractiones*; wherewith agrees *Fleta, lib. 5. cap. 24.* but with this Distinction, that *Attachiammentum est distractio personalis, & Cape magnum distractio realis*. So that upon the whole Matter, there are but two Differences between an Attachment and a Distress, viz. That an Attachment reacheth not to Lands, as a Distress doth; and a Distress toucheth not the Body (being properly taken) as an Attachment doth. Yet are they divers Times confounded, as appears by the fore-mentioned Places; and *Glanv. lib. 10. cap. 3.* and *Fleta, lib. 2. cap. 66.* But to conclude; In common Acceptation of Law, an Attachment is an Apprehension of a Man by his Body, to bring him to answer the Action of the Plaintiff. A Distress is the Taking Goods, for some real Cause, as Rent, &c. whereby to force him to Replevy, and so become Plaintiff in an Action of Trespass against him that distrained him. There is also an Attachment out of Chancery, and may be had of Course upon Affidavit made of the Service of a Subpoena, and the Defendant's not appearing, or else it issues upon not performing some Order or Decree: And they are of two Sorts; one Simple, which is before-mentioned, originally sent out for Apprehension of the Party: The other, after Return made by the Sheriff, *Quod Defendens non est inventus in Balliva sua*, with Proclamation made through the whole County, that the Party appear by a Day assigned, and that he be attached nevertheless, if he may be found. This second Kind hath an Affinity with the *Canonists, (viis & modis)* at which if the Party appear not, he is excommunicate; and with the *Civilians, Viis & modis, una cum intimatione*; for if in the Chancery he come not in upon this Attachment, with Proclamation, a Writ of Rebellion issues forthwith. *West. 2. Part, Symboleog. Tit. Proceedings in Chancery.*

As to the Word Attacher, to attach or take into Custody, the Learned *Du Fresne* supposes it derived from the old Gallic *Tasca, Tascia*, the Rent of Land or Tenement; from the Brittainish *Tase*, Tribute; *Tasyd*, Collector of the Tribute, (whence our *Tasque* or imposed Duty, a *Tasquer*, or Day-Labourer, a *Tasque-master*, &c.) So as attacher was no more at first than to gather Rent, or collect Tribute, and upon Refusal, to take it by Force, as a Debt and Forfeiture, &c.

Attachiammenta bonorum, A Distress taken upon the Goods or Chattels of any, sued for personal Estate or Debt, by the legal Attachiatores or Bailiffs, as a Security to answer the Action. It was a Privilege granted to the Abbat and Convent of *Osney*, to have the Attachments of the Goods of their Tenants quit-claimed or released, &c. See *Paroch. Antiq. p. 196.*

Attachiamenta de Spinis & Bosco, The Privilege granted to the Officers of a Forest to take to their own Use Thorns, Brush, and Wind-fall,

within such Precincts or Liberties committed to their Charge. So *John Fitz Nygel*, Forester of *Berrwood, A. D. 1230.* — *Debet habere feodum in Bosco Domini Regis; videlicet Attachiammentum de Spinis, de Bosco suo, & de Bosco qui vento proficiuntur.* *Paroch. Antiq. p. 209.*

Attachment of Privilege, Is by Virtue of a Man's Privilege, to call another into that Court whereunto himself belongeth, and in respect whereof he is privileged, to answer some Action. *New Book of Entries, verb. Privilege, fol. 431.*

There is also a Foreign Attachment, which is of a Foreigner's Goods or Money found in some Liberty or City, to satisfy some Creditor of his within such Liberty or City. And by the Custom of London, a Man may attach Money or Goods in the Hand of a Stranger, while he is within their Liberty. As if *A.* owes *B.* ten Pounds. *B.* may attach this ten Pounds in the Hands of *C.* to satisfy himself for the Debt due from *A.* *Calthrop's Rep. p. 66.*

There is also an Attachment of the Forest, which is one of the three Courts there held. *Manwood, p. 90, & 99.* The lower Court is called the Attachment; the Middle one, the *Swaimote*; the Highest, the *Justice in Eyre's Seat*. The Court of Attachment seemeth to be so called, because the Verderors of the Forest have therein no other Authority, but to receive the Attachments of Offenders against *Vert* and *Venison*, taken by the rest of the Officers, and to enroll them, that they may be presented and punished at the next *Justice Seat*. *Manwood, Part 1. pag. 93.* And this Attaching is by three Means; 1. By Goods and Chattels. 2. By the Body, Pledges and Mainprise. 3. By the Body only. This Court is kept every forty Days. See *Crompton* in his Court of the Forest. For the Diversity of Attachments, see *Reg. Orig. verbo Attachiammentum, in Indice.*

Attaint, Attincta, Is used for a Writ that lieth after Judgment, against a Jury, that hath given a false Verdict in any Court of Record, be the Action real or personal, if the Debt or Damages amount to above the Sum of forty Shillings. For the Form and Use of it, see *F. N. B. fol. 105.* and the *New Book of Entries, fol. 84. Col. 1.* The Reason why it is so called, seemeth to be, because the Party that sueth it out, endeavourerth thereby to stain the Jury with Perjury, by whose Verdict he is grieved, whose Punishment by the Common Law consisteth in these Particulars: 1. *Quod amittat liberam Legem in perpetuum*, He shall never be received as Witness, or admitted a Juror, &c. 2. *Quod forisfaciat omnia bona sua & catalla.* 3. *Quod terra & tenementa in manus Domini Regis capiantur.* 4. *Quod uxores & liberi extra domus suas ejicerentur.* 5. *Quod domus sua profternentur.* 6. *Quod arbores sue profternentur.* 7. *Quod prata sua arentur.* 8. *Quod corpora sua carceri mancipentur*: But if it pass against him who brought the Attaint, he shall be imprisoned and grievously ransomed at the King's Will. See *Co. on Lit. lib. 3. cap. 8. sect. 514.* See also *Glanville, lib. 2. c. 19.* *Fitz. Nat. Brev. fol. 109, 110.* *Termes de Ley, verb. Attaint.* *Fortescue, c. 26.* *Smith de Rep. Anglor. lib. 3. cap. 2.* And *11 H. 7. cap. 21 & 23 H. 8. cap. 3.* It is a Substantive made of the French (*atteindre*) i. e. *assequi, vel attingere*, because he is caught and overtaken; or rather of the French (*teindre*) in Latin (*tingere*) to Stain, Die, or Colour; or give a Tincture: *Unde Gallice Teint, Lat. Tinctus*, as, we in English say attainted, or tainted of Treason; that is, stained. In what Diversity of Cases this Writ

Writ is brought, see *Reg. of Writs, in indice*. It was anciently called *De Brevi Convictione*: See *Co. Lit. f. 294. b.*

**Attainted, Attinctus**, Is used in our Common Law, particularly for such as are found Guilty of some Crime or Offence, especially Felony or Treason: Howbeit a Man is said to be attainted of Diffession. *West. 1. cap. 24, & 26. an. 3 Ed. 1.* and so the French use it, as, *Estre attaint & wayneu en ascun case*; that is, to be cast in any Cause. A Man is attainted by two Means; by Appearance, or by Process. *Staundf. Pl. Cor. fol. 44.* Attainder by Appearance, is by Confession, by Battle, or by Verdict. *Id. fol. 122.* Confession, whereof Attaint groweth, is double: One at the Bar before the Judges, when the Prisoner upon his Indictment read, being asked whether Guilty or Not guilty, answers, *Guilty*, never putting himself upon his Country; the other is, before the Coroner in Sanctuary, where he was in former Times upon his Confession, constrained to abjure the Realm; and therefore this Kind of Attaint was called *Attainder by Abjuration*. *Id. fol. 182.* Attainted by Battle, is, when the Party appealed by another, and chusing to try the Truth by Combat, rather than by Jury, is vanquished. *Id. fol. 44.* Attainder by Verdict, is, when the Prisoner at the Bar, answering to the Indictment, *Not guilty*, had an Enquest of Life and Death passing upon him, and is by their Verdict found Guilty. *Id. fol. 108, & 192.* Attainder by Process, otherwise called *Attainder by Default*, or *Utlary*, is, where a Party fieth, and is not found, until he have been five Times publicly called in the County, and at last Outlawed upon his Default, pronounced or returned Outlawed. *Id. fol. 44.* The same Author, *fol. 108.* makes a Difference between *Attainder and Conviction*. And with this agrees the Stat. 34 & 35 H. 6. cap. 14. & 1 E. 6. cap. 12. in these Words; That then every such Offender being thereof duly convicted or attainted by the Laws of this Realm, &c. Add hereto 2 & 3 Ed. 6. cap. 33. And *Staundf. fol. 66.* saith, a Man by our ancient Laws, was said to be convicted presently upon the Verdict (Guilty) but not to be attainted, till it appeared he was no Clerk; or being a Clerk, and demanded of his Ordinary, could not purge himself; whereby it appeareth, That Attainder is larger than Conviction, Conviction being only by the Jury: And Attainder is not before Judgment. *Perkins, Grants, nu. 27, 29.* Yet it appears by *Staundford, fol. 9.* That Conviction is sometimes called Attainder; for there he says, The Verdict of the Jury does either acquit or attaint a Man: And so it is in *Westm. 1. c. 14.* and likewise in many ancient Writers. *Et si quis aliter quam sic fecerit, & de hoc convictus fuerit & attinctus, ponatur in carcere.* Du Fresne. *Briton fol. 75.* uses the Participle *attaint* in the Sense we say attainted unto. This ancient Law touching the Purgation and Conviction of Clerks, is altered by 23 Eliz. cap. 2. as you may read further in *Clergy*.

**Attainder, attincta, and attinctura**, Is when a Man hath committed Felony or Treason, and after Conviction Judgment is passed upon him. The Children of a Person attainted of Treason, cannot be Heirs to him, or any other Ancestor: And if he were Noble and Gentle before, thereby his Posterity are degraded, and made Base; and this Corruption of Blood cannot be salved, but by an Act of Parliament. See *Attaint, attainted, and Felony*.

How far the Tenure of Gavel-kind salves in such Case, we will not dispute, only set down what Tenants in that kind have among themselves as a Maxim, viz.

*The Father to the Bough,  
The Son to the Plough.*

But many of those Tenures are within the last Century altered by Statute; the Reasons whereof are not to our Purpose here.

**Attalsarefin**. The Inhabitants and Miners of Cornwall, call an old deserted Mine that is given over by this Name of *Attal sarisin*, i. e. the Leavings of the *Sarafins*, or *Sassins*, or Saxons.

**Attamiatum**. See *Pelf*.

**Attegia**, a little House, from the Lat. *Adtegen-do*. 'Tis mentioned in *Ethelwerd lib. 4. Hist. Anglia*, viz. *Pellunt ingenuos passim, Attegas figunt in Opido*.

**Attendant, Attendens**, Signifies one that oweth a Duty or Service to another, or after a Sort dependeth on another. For Example; There is a Lord, *Mesne*, and Tenant; the Tenant holdeth of the *Mesne* by a Penny, the *Mesne* holdeth over by two Pence: The *Mesne* releaseth to the Tenant all the Right he hath in the Land, and the Tenant dieth; his Wife shall be endowed of the Land, and she shall be Attendant to the Heir of the third Part of the Penny, not of the third Part of the two Pence; for she shall be endowed of the best Possession of her Husband. And *Kitchin, fol. 109.* saith, That where the Wife is endowed by the Guardian, she shall be Attendant to the Guardian, and to the Heir at his full Age; with whom agrees *Perkins in Dower, 424.*

**Attermining**, — Also such as will purchase Attermining of their Debts, shall be sent into the Exchequer. *Ordinatio de libertatibus perquirendis. Anno 27 Ed. 1.* It comes from the French *attermine*, i. e. that hath a Time or Term granted for the Payment of a Debt. So in this Statute, it seems to signify the Purchasing or Gaining a longer Time for Payment of a Debt. *Atterminent querentes usq; in proximum Parliamentum. Westm. 2. cap. 24.*

**Attilatus Equus**, A Horse with his Geers, or Harness on, for the Work of the Cart or Plough.

**Attile, Attilium, Attilamentum**, The Rigging of a Ship. — *Præcipimus Henrico de Forwick & Luca de Batentort, quod quadam bona & mercimonia quorundam Mercatorum de Zealand, Naves & Attilia, occasione quarundam transgressionum* — *Memo-rand. in Scac. Mich. 4 Ed. 1. Mynard's Year Book.* — *Præceptum fuit Baronibus* — *quod sine dilatione reparari faciant unam Navem cum Attilio decenti in London. Ibid. Trin. 24 Ed. 1.* — Hence *Attila* was used likewise for the Tools and Implements of Husbandry — *Willielmus Primas Eboracensis vult, ut remaneant in Balliva Chirchedon 2 equi carellarii, cum carella & 36 boves cum 4 carucis & Atilliis, An. D. 1283. Ex Registr. Will. Wickwane Archiep. Ebor. MS. f. 46.* The Word *Attile*, for Military Harness or Accoutrements, occurs in the Stat. of Rob. 1. King of Scots, cap. 27. The French now use the Word *Outils*, for any Sort of Instruments.

**Attilamentum**, Furniture or Tackle. 'Tis mentioned in *Fleta, lib. 1. cap. 25. par. 9. Batellus, i. e. (the Boat,) cum omni onere & Attilamento*. So in *Lib. 2. cap. 85.* Writing of a Carter, viz. *Ejus est scire phaleras, Attilamenta, &c. Carellis appenditia.*

**Attornato faciendo** vel recipiendo, Is a Writ, which a Man owing Suit to a County, Hundred, Wapentake, or other Court, and desiring to make an *Attorney* to appear for him, whom he doubteth, whether the Sheriff or Bailiff will admit, or not, purchaseth to command him to receive such a Man for his *Attorney*, and admit his Appearance by him. The Form thereof, see *F. N. B. fol. 156.*

**Attornare rem**, To *Attorn* or Turn over Money and Goods; i. e. to assign or appropriate them to some particular Use and Service. — *quos quidem quatuor solidos* — *attornavi ad unam pietantiam faciendam in conventu Ofeneins.* Paroch. Antiq. p. 213. Vide Turn.

**Attorney**, *Attornatus*, Cometh of the French Word *Tourner*, *vertere*. Thence cometh the Participle (*tourne*) *versus*, *conversus*, and the Substantive (*tour*) *vice*; as *Chascun a son tour*, *Quilibet sua vice*. It signifies in a legal Acceptation, one appointed by another Man to do any Thing in his stead, and is as much as *Procurator* or *Syndicus* in the Civil Law: *West. Symb. Part. 1. lib. 2. sect. 559.* defines them thus, *Attornies* be such Persons, as by the Consent, Commandment or Request of another, do take heed, see to and take upon them the Charge of other Men's Business in their Absence. And it seemeth that in ancient Time, those of Authority in Courts, had it in their Power, whether they would suffer Men to appear, or sue by any other than themselves; as it is evident by *F. N. B. fol. 25.* in the Writ *Dedimus Potestatem de Attornato faciendo*, where it appears, that Men were forced to procure the King's Writs, or Letters Patent, to appoint *Attornies* for them; but since that, it is provided by several Statutes, that it should be lawful so to do without any such Matter, as 20 H. 3. cap. 10. 6 E. 1. cap. 8. 27 E. 1. Stat. 2. 12 E. 2. 1. 15 E. 2. cap. Unico, 7 R. 2. cap. 14. 7 H. 4. 13. 3 H. 5. 2. 15 H. 6. 7. & 17 H. 7. 2. And you may see great Diversity of Writs in the Table of the Register Orig. wherein the King, by his Writ, Commanded the Judges to admit of *Attornies*; whereby there grew at the last so many unskilful *Attornies*, and so many Mischiefs by them, that Provision for restraining them was requisite. Wherefore anno 4 H. 4. ca. 18. it was ordained, That the Justices should examine them, and displace the unskilful. And again, 33 H. 6. cap. 7. that there should be but a certain Number of them in Norfolk and Suffolk. In what Cases at this Day a Man may have an *Attorney*, and in what not, see *Fitzh. ubi supra.*

**Attorney**, is either General or Special. *Attorney General* is he, that by general Authority is appointed to manage all our Affairs or Suits: As the *Attorney General* of the King, which is much as *Procurator Caesaris* was in the Roman Empire. *Attorney General* of the Duke. *Crompt. Jurisd. 105.* *Attorney Special* or *Particular*, is he that is employed in one or more Causes particularly specified. *Attornies General* be made after two Sorts, either by the King's Letters Patent, or by Appointment before Justices in Eyre in open Court. *Glanville, lib. 11. cap. 1. Britton, cap. 126.* There be also in respect of the divers Courts, *Attornies at large*, or *Attornies Special*, belonging to this or that Court only. The Name is borrowed of the Normans, as appears by the *Customary, cap. 65.* And the Word *Attornati*, or as some read it *Turnati*, is found in the same Signification, in the Title *De statu regularium, cap. unico, sect. porro in*

*sexto*, where the Gloss saith, That *Attornati dicuntur Procuratores, apud acta constituti*: Our old Latin Word for it, seems to be *Responsalis Bract. lib. 4. 31. & lib. 5. part. 2. cap. 8.* And so it is in Scotland at this Day, but especially for the Defendant's *Attorney*. *Skene de verb. signif. Responsalis*, as *Sigonius* witnesseth in his first Book, pag. 11. *De Regno Italia*, was in ancient Time the Title of the Pope's Ambassador.

**Attorney of the Court of Wards and Liveries**, *Attornatus Regis in Curia Wardorum & Liberaturarum*, was the third Officer in that Court; at his Admission into the Office, he took an Oath before the Master of the said Court, well and truly to serve the King, &c. But the Court of Wards and Liveries, being it self taken away by the Stat. 12 Car. 2. cap. 24. this Office is gone, and therefore we will say no more of it.

**Attorney of the Court of the Dutchy of Lancaster**, *Attornatus Curia Ducatus Lancastrie*, Is the second Officer in that Court, and seemeth for his Skill in Law, to be there placed as Assessor to the Chancellor of that Court, being for the most Part some Honourable Person, and chosen rather for some special Trust reposed in him, to deal between the King and his Tenants, than for any great Learning; as was usual with Emperors of Rome, in the Choice of their Magistrates.

**Attornment**, *Attornamentum*, Signifies the Tenants Acknowledgment of a new Lord; as when one is Tenant for Life, and he in Reversion grants his Right to another, it is necessary that the Tenant for Life agree thereto, which is called *Attornment*; without which nothing passeth by the Grants; for otherwise, he that buyeth any Lands or Tenements which are in the Occupation of a Third, cannot get the Possession. Yet see 27 H. 8. cap. 16. The Words used in *Attornment*, are set down by Littleton, lib. 3. cap. *Attornment*, 10, viz. *I agree to the Grant made to you, &c.* or, more usually, *Sir, I attorn to you by Force of the same Grant*, or, *I become your Tenant*, or else deliver unto the Grantee a Penny by way of *Attornment*: You may in the same Place see divers other Cases, whereunto *Attornment* appertaineth, and that it is the Transposing those Duties the Tenant owed to his former Lord unto another, and is either by Word, or by Act, &c. *Attornment* also is Voluntary or Compulsory, by the Writ termed, *Per que servitia*, Old. Nat. Brev. fol. 155. Or sometimes by Distress. *F. N. B. fol. 147.* Lastly, *Attornment* may be made to the Lord himself, or to his Steward in Court. *Kitchin, fol. 70.* There is also *Attornment in Deed*, and *Attornment in Law*. Co. vol. 6. fo. 113. a *Attornment in Law* is an Act, which tho' it be no express *Attornment*, yet in Intendment of Law is all alone.

**Attrap**, from the Fr. *Attrapper*, *comprehendere*. Unde Angl. A Trap.

**Abage**, or **Abisage**, Is a Rent or Payment which every Tenant of the Manor of *Writtel* in Essex, upon St. Leonard's Day, the 6th of Novemb. pays to the Lord, viz. for every Pig not a Year old, a Half-penny; for every Yearling Pig, one Penny; for every Hog above a Year old, Twopence, for the Privilege of Pawnage in the Lord's Woods.

**Avantward**, The Van-guard or Front in an Army. — *Cum exercitus in hostem pergit, ipsi per consuetudinem faciunt Avant-warde, & in reversione Redre-warde. He consuetudines erant Walensium.* T. R. E. in Arcenefeld. lib. Doomfday.



**Avantagium, Profit or Advantage.**—*Walterus Cantuar. Archiepisc. ad feodi-firmam tradidit Johanni de Boseham, terras vocatas la Wardland, in Villa de Wymbledone, — cum omnibus suis utilitatibus ac avantagiis inde provenientes. Dat. 24. Feb. 11 Ed. 2. Regist. Eccl. Christi Cantuar. MS.*

**Auca, a Goose. Similes pennis Aucarum. Malmf. pag. 159.**

**Auctionarii, Aurionarii, Sellers, Regraters, Retailers.**—*Dicunt etiam quod in domibus illis apud Sheles, sunt manentes Pistores & Braciatores Auctionarii & Auxionatrices panis, cervisie, & aliarum rerum. Placit. Parl. 18 Ed. 1.*

**Audience Court, Curia Audientie Cantuariensis,** Is a Court belonging to the Archbishop of Canterbury, of equal Authority with the *Arches Court*, though inferior both in Dignity and Antiquity: The Original of this Court was, because the Archbishop of Canterbury heard many Causes extrajudicially at Home in his own Palace, in which, before he would finally determine any Thing, he did usually commit them to be discuss'd by certain Men learned in the Civil and Canon Laws, whom thereupon he termed his Auditors; and so in Time it grew to one special Man, who at this Day is called (*Causarum negotiorumque audientie Cantuariensis auditor officialis.*) And with this Office was joined heretofore the Chancery of the Archbishop, which medleth not with any Point of contentious Jurisdiction; that is, deciding of Causes between Party and Party, (except such as are ventilated *pro forma* only, as the Confirmation of Bishops Elections, or such like) but only of Office, and especially such as are *Voluntaria Jurisdictionis*, as the Granting the Custody of Spiritualities, during the Vacation of Bishopricks, Institutions to Benefices, Dispensing with Banes of Marrimony, &c. But this is now distinguished from the Audience. Of this *Audience Court*, you may read more in the Book *De Antiquit. Eccles. Brit. Hist. & 4 Inst. fol. 337.*

**Audiendo & terminando,** Is a Writ, but more properly a Commission, directed to certain Persons, when any riotous Assembly, Insurrection, or heinous Misdemeanor or Trespas is committed against any Place, for the Appeasing and Punishment thereof; which you may read at large in *F. N. B. f. 110. See Oyer and Terminer.*

**Audita querela,** Is a Writ that lieth against him, who having taken a Statute-Merchant, or a Recognisance, in the Nature of Statute-Staple, or a Judgment or Recognisance of another, and craving, or having obtained Execution of the same from the Mayor and Bailiffs, before whom it was entred, at the Complaint of the Party, who entred the same, upon Suggestion of some just Cause, why Execution should not be granted; as a Release, or other Exception. This Writ is granted by the Lord Chancellor of England, upon View of the Exception suggested, to the Justices of either Bench, willing them to grant Summons to the Sheriff of the County where the Creditor is, for his Appearance at a certain Day before them. *Old. Nat. Brev. fol. 66. & Fitz. Nat. Brev. fol. 102.*

**Auditor,** (*Auditor*) According to our Law, is an Officer of the King, or some other great Person, which yearly, by examining the Accounts of all Under-Officers accountable, makes up a General Book; which shews the Difference between their Receipts and Charge, and their Allowances, commonly termed *Allocations*: As namely, the *Auditors* of the Exchequer take the

Accounts of those Receivers, who collect the Revenues of the Augmentation, as also of the Sheriffs, Escheators, Collectors and Customers, and set them down, and perfect them; concerning which, see the Stat. 33 H. 8. cap. 33. & 4 Inst. fol. 106.

**Auditors, Conventual, Collegiate, &c.** The Religious had their *Auditori*, or stated Officers appointed to examine and pass the House-Accounts. Hence the *Auditory, Audit-house, Audit-time*, in Cathedral and Collegiate Bodies.

**Auditors of the Peace or Imprests,** Are also Officers of the Exchequer, who take and make up the great Accounts of Ireland, Berwick, the Mint, and of any Money imprested to any Man for the King's Service. See *Practice of the Exchequer, pag. 83.*

**Auditor of the Receipts,** Is also an Officer of the Exchequer, that files the Tellers Bills, and makes an Entry of them, and gives the Lord Treasurer a Certificate of the Money received the Week before. He makes *Debentures* to every Teller, before they pay any Money, and taketh their Accounts: He keeps the *Black Book of Receipts*, and the *Treasurer's Key* of the Treasury, and seeth every Teller's Money lock'd up in the New Treasury.

**Auditores** Is the same with *Audientes*, i. e. the Catachumens, or those who were newly instructed in the Mystery of the Christian Religion before they were admitted to Baptism; and *Auditorium* is the Place in the Church where they stood to learn and be instructed; and this it is which we now call *Navis Ecclesia*: And in the Primitive Times the Church was so strict in keeping the People together in that Place, that the Person who went from thence in the Time of Divine Service was excommunicated: It was so declared by the fourth Council of Carthage, cap. 24. in these Words; *Sacerdote verbum faciente in Ecclesia, qui egressus de auditorio fuerit, excommunicetur, &c.*

**Avel** Is the Name of a Writ, for which see *Aiel.*

**Avel-terra.** 'Tis mentioned in *Matt. Paris. p. 5.* and signifies Lower Germany. *Orta est contentio inter Flandrenses qui dicuntur de Avel-terre, & Francos in illis partibus, &c.*

**Avenage,** (From the Latin *Avena*, Oats) Signifies a certain Quantity of Oats paid to a Landlord in lieu of some other Duties, or, as a Rent from the Tenant.

**Aveno, Avenarius,** Is an Officer belonging to the King's Stables, and provides Oats for his Horses: He is mentioned 13 Car. 2. cap. 8. *Oninibus enim liberatio quorumcumq; sive Accipitrarium, sive falconiorum, sive Avenariorum, ad ejus (sc. Constabularii Anglie) officium spectat, si presens fuerit; nisi forte Dominus Rex ad idem aliquem prius assignaverit. Bundel. Petitionum in Turri London anno 10 Ed. 1. And in Rot. Parl. 21 Ed. 3. there is also Mention of the Avenors of the King, Queen and Prince.*

**Adventure,** (but more properly *Adventure*) Is a Mischance, causing the Death of a Man, without Felony: As when he is suddenly drowned or burnt, falling into the Water or Fire, or killed by any Mischance or Mischance, *Briton, cap. 7.* where you may see how it differs from *Misadventure*. See *Misadventure.*

**Adventure, i. e. Tournaments or Military Exercises on Horseback.** 'Tis mentioned in *Addit. Matt. Paris. p. 149. Quod nulli veniant ad tournandum vel burdandum, nec ad alias quascumq; Aventuras.* 'Tis derived from the Lat. *Eventa.*

**Avera** (quasi Overa from the Fr. *Ouvre* and *Ouvrage*, velut *Operagium*) In *Domesday*, *Grentbrigshe*. Rex *Forðbam*, sed tamen semper inveniat *Averam*, vel 8 d. in *Servitio Regis*. That is a Day's Work of the Plough, or 8 d. & *Inst.* fol. 269.

**Average**, (*Averagium*) By Mr. *Skene's* Opinion, is derived from the Word *Averia*, Cattle, and consequently signifies Service, which the Tenant owes to the King or other Lord, by Horse or Ox, or by Carriage with either: For in ancient Charters of Privilege we find, *Quietum esse de Averagiis*. Others probably derive it from the Fr. *Ouvrage*, i. e. *opus*. In the Register of the Abbey of *Peterborough* (in *Bibl. Cotton*) it is thus explained: *Averagium, hoc est, quod Nativi deberent ex antiqua servitute ducere bladum annuatim per unum diem de Pillesgate apud Burgum, vel carriare turbas in Mariscos ad Maner. de Pillesgate, cum carriis & equis suis. Anno 32 Hen. 8. cap. 4. and 1 Fac. cap. 32.* It seemeth with us to have two Significations: First, *Rastal. Tit. Exposition of Words*, maketh Mention of the King's *Averages*, which I take to be the King's Carriages by Horse or Cart. Then, anno 32 H. 8. c. 14. and 1 Fac. c. 32. it is used for a certain Contribution that Merchants and others, do make proportionably towards their Losses, who have their Goods cast into the Sea, for the Safeguard of the Ship, or of the other Goods, and Lives of them in the Ship, in the Time of a Tempest. And this Contribution seemeth to be so called; because it is proportioned after the Rate of every Man's *Average*, or Goods carried. In this last Sense it is also used in the Statute 14 Car. 2. c. 27. *Average*, is also a little Duty, which those Merchants, who send Goods in another Man's Ship, do pay the Master of it for his Care, over and besides the Freight: For in the Bills of Lading, they usually say, — *Paying so much Freight for the said Goods, with Primage and Average accustomed.*

**Average of Corn-Fields.** In the North they use this Word *Average*, for what in *Kent* they call the *Gratten*, in other Parts the *Eddish*, in *Wales* the *Adlugh*, in some Countries the *Roughings*; i. e. the Stubble or Remainder of Straw and Grass left in the Corn-Fields, after the Harvest is carried in.

**Averate.** This *Spelman* interprets to carry Goods in a Waggon, or upon loaded Horses; a Duty required of some customary Tenants. But I question whether it did not sometime signify to drive *Averia*, Cattle, to some Fair or Market. — *Omnes homines, (i. e. de Kyngston) debent ter averare ad Brisfolium.* Cartular. *Glaston.* MS. f. 4.

**Averrare**, To the like Purpose — *debent fruges Domini metere, prata falcare, & carriare & averrare;* — Cartular. ib. p. 39.

**Aver-Corn**, A reserved Rent in Corn, paid to Religious Houses, by their Farmers or Tenants; which Mr. *Sommer* deduces from the Fr. *Ouvre*, or *Ouvrage*; as if Corn drawn to the Lord's Granary by the working Cattle of the Tenant. But it seems more natural (like *Averia* from *Avoir*), to have or receive such a Quantity of Corn. I suppose the Custom owing to the Saxon *Cyriac-Seat*, *Church-Seed*, a Measure of Corn brought to the Priest on St. *Martin's* Day, as an Oblation for the First-Fruits of the Earth. Under which Title the Religious had Corn-Rent paid yearly, as in an Inquisition of the Estate of the Abbey of *Glastonbury*, A. D. 1201. — *Walton reddidit in gubulo as-*

*jiso in lib. xvi fol. — de Church-Seed, vel dua summa & dimid. frumenti.* Cartular. *Glaston.* MS. f. 38. which *Church-Seed*, by a Norman Epithet, might easily in some Parts be called *Aver-Corn*, especially in *Kent*, where by Composition the Tenants of *Mensire*, were to pay to the Abbot and Convent of St. *Austins*, their *Aver-Corn* in a certain and determined Measure, A. D. 1263. — *Noverint universi, quod cum temporibus renovatis quidam Tenentes Abbatis Sancti Augustini, in manerio de Mensire, quoddam servitium annuum quod Aver-Corn vocatur, sub mensura minus certa, &c.* Vid. Chron. W. Thorn. inter X Scriptores, col. 1912. *Aver-Corn* is also such Corn as by Custom is brought by the Tenants Carts or Carriages to the Lord's Granary or Barn.

**Aberdupois.** See *Avoirdupois*.

**Aberia** properly signifies Oxen or Horses used for the Plough, but in a general Sense any Cattle. *Homines per averia sua, viz. equos & boves, & Affros graviter distrinxit.* W. Thorn in Ed. 2. 'Tis used in the same Sense in W. 2. cap. 88. Let the Sheriff deliver all the Cattle of the Debtor exceptis bobus & affris carucae. Sir Henry *Spelman* deduces the Word from the French *Ouvre*, Work, as if chiefly working Cattle. But more probably from *Avoir*, to have or possess; the Word sometimes including all Personal Estate, as *Catalla* did all Goods and Chattels. In *Northumberland* they now say, a *False-aver*, for a sluggish Horse, or lazy Beast. Yet *Spelman* rather derives it from the Lat. *Afri* or *Affra*, Country-Horses, and cites the said Northern Proverb, *A False Aver* or *Afer*. I think the Word *Heifer*, to have been only a Corruption of *Aver*, and to have signified at first any Beast, though now restrained to the younger Kind.

**Averius captis in Withernam**, Is a Writ, for the taking of Cattle to his Use, that hath his Cattle unlawfully taken by another, and driven out of the County where they were taken, that they cannot be replevied. *Reg. Orig.* fol. 82. When one Beast is spoken of, we say, *Quidam equus vel bos*; but when more, it is not said in the plural Number, *Equi* or *Boves*, but *Tot Averia*.

**Averland.** Item *Cellarius libere solebat capere omnia sterquilinia ad suum opus in omni vico, nisi ante ostia eorum qui habebant Averland.* Mon. Angl. t. par. fol. 302. a. It seems to have been such Land as the Tenants did plough and manure, cum *averis suis*, for the proper Use of a Monastery or Lord of the Soil: *Quod autem nunc vocatur Averland, fuit terra rusticorum, ibid.* which was subject to *Averages*, or the Lord's Carriages.

**Averium ponderis**, Full Weight, or *Aver de Poids*, — *de quolibet panno sine grano, & de qualibet libra de averio ponderis, tres denarios.* Cart. 3 Ed. 2.

**Averment**, *Verificatio*, Cometh from the French *Averer*, i. e. *Testari*, signifies commonly an Offer of the Defendant, to make good or justify an Exception pleaded in Abatement, or Bar of the Plaintiff's Action; and there is Reason, why it would rather signify the Act, than the Offer of justifying the Exception. For, anno 34 Ed. 1. Stat. 2. *And the Demandant will offer to aver by the Assize or Fury, &c.* where to offer to *avere*, and to *aver* must needs differ: And again in the same Statute, *and the Demandant will offer to aver by the County, &c.* And in 15 H. 6. cap. 1. The Defendants shall have their *Averment*, to say, that, &c. Thirdly,

Thirdly, in the English Nat. Brev. fol. 57. *These Errors shall be tried by Averment, &c.* This Averment is Twofold, General and Particular; a General Averment, which concludes every Plea, &c. or in Bar of the Replication and other Pleadings, containing Matters affirmative, ought to be Averred, with these Words, *Et hoc paratus est verificare, &c.* Particular Averment, is when the Life of Tenant for Life, or Tenant in Tail is averred, &c. And an Averment contains as well the Matter as the Form thereof. Co. on Lit. fol. 362. b.

**Averpeny** (*quasi Average-peny*) Is Money contributed towards the King's Averages, or to be freed thereof. Rastal. *Expos. verb.* Aver-peny, est quietum esse de diversis denariis pro Averages Dom. Reg. From the King's Carriages cum averiis, 1 Inst. fol. 35. Haberet & Averpeni, sc. pro singulis triginta aeris duos denarios. Mon. Angl. 302. a.

**Aver-silver** — Rogerus Prior, & Capitulum Ecclesie Christi Cantuar. quieto clamant Magistrum, & Fratres Hospitalis St. Maria de Ospreys, de consuetudinibus subscriptis videl't de Arura Hate-wite, Ripe-silver, Wood-lade, Heylode, Aver-silver, Lamb-silver, — qua consuetudines fieri solent in curia de Adestham. Dat. Mense Feb. 1242. Reg. Eccl. Chr. Cant. MS.

**Augea**, A Cistern for Water. — A. D. 1451. 20 Sep. Episcopus Batho Well. concedit Civibus Wellensibus unum caput pro conductu aquatico cum augeis suspiralibus, & ceteris machinis, sub & supra terraneis — primum caput est Augea, in quo tota aqua nostra recipitur, fiet rotunda in latitudine infra muros decem pedum de petra calce, vel alia materia cum pipis ex utraque parte dista Augea sive Cisterna annexis. Reg. Eccl. Well. M. S.

**Augmentation**, *Augmentatio*, Was the Name of a Court, erected 27 H. 8. as appeareth by the 27th Chap. of that Year's Parliament: And the End thereof was, That the King might be justly dealt with, touching the Profit of such Religious Houses, and their Lands, as were given to him by Act of Parliament the same Year, not Printed: For the dissolving of which Court, Authority was given to Queen Mary, by the Parliament held the first Year of her Reign, *Seff. 2. cap. 10.* which she afterward put in Execution by her Letters Patent. The Name of the Court sprung from hence, That the Revenues of the Crown were augmented so much by the Suppression of the said Houses, as the King reserved unto the Crown, and neither gave nor sold away to others. But the Office of Augmentation remains to this Day, wherein there are many Records of great Use and Importance.

**Augusta**, London.

**Avilage**. See *Avage*.

**Avirunatus** is mentioned in the *Monasticon*, 1 Tom. pag. 850. and it signifies an Oar, viz. *Debet homo super pedes suos quo profundius poterit intrare, & dum ultra ire nequiverit, avirunatum unum octo pedibus longum, introrsus de diverso lanceando propellere, & a loco quo Avirunatus ille transnatare desierit spatium 40 pedum per chordam debet mensurari, ibique signum in aquam insigi.*

**Avissamentum**, Advice, Counsel. — de avissamento & consensu consilii nostri concessimus, was the common Form of our King's Grants.

**Avis Sancti Martini**, i. e. Cornix, so called, because this Bird appears about the Feast of St. Martin: Si a sinistra in dextram Avis Sancti Martini volaverit, &c. Pet. Blefensis Epist. 65.

**Aula**, i. e. a Court-Baron. Aula ibidem tentata die Augusti. &c. Aula Ecclesie is that which we

now call *Navis Ecclesia*: In medio Aulae majoris Ecclesie decenter sepulchrum est. Ead. lib. 6 pag. 141.

**Aulneger**. See *Alneger*.

**Aumone**, (French *Aumône*, that is, Alms) Tenure in *Aumone*, is a Tenure per liberam Eleemosynam. Britton, fol. 164. As where Lands are given to some Church, or Religious House, upon Condition, That some Service or Prayers shall be offered at certain Times, for the good of the Donor's Soul. See *Frank-almoine*.

**Aumouner**; French, *Aumoinier*. Vid. *Almoner*.

**Auncel-weight**, *Quasi*, *Handsale-weight*; or from *Ansa*, i. e. the Handle of a Balance; being a kind of Weight with Scales hanging, or Hooks fastened to each End of a Beam or Staff, which a Man lifting up upon his Fore-Finger, or Hand, discerneth the Quality or Difference between the Weight and the Thing weigh'd. In which, because there was wont to be great Deceit, it was forbidden by several Statutes, as 25 E. 3. Stat. 5. c. 9. 34 E. 3. cap. 5. & 8 H. 6. cap. 4. and the even Balance only commanded; yet nevertheless this Weight continued in Use in divers Parts of England, notwithstanding the Constitution of Henry Chicheley, Archbishop of Canterbury, 1431. Pro abolitione ponderis vocati, Le Auncel-weight, &c. qui utitur Excommunicandus; but now it is utterly abolished by a late Statute made 22 Car. 2. cap. ult. A. D. 1434, among the Anathema's publicly denounced against all false Dealers and Deceivers, — 'Alle thei that use false Weyghts or false Measures, and in especial alle they that use a Weyght that is cauled Auncel, shaft or poundre, or hoolde or keepe that Weyght privily or openly. Reg. Eccl. Batho. Well. MS.

**Auncient Demesne**. See *Ancient Demesne*.

**Auntiatum**, i. e. Antiquated. Sicut charta eorum Auntiata est, & libertas anterior. Brompton, lib. 2. cap. 24. par. 6.

**Avordance**, Hath a double Signification, the one, when a Benefice becomes void of an Incumbent; the other when we say in Pleadings in Chancery, confessed, or avoided, traversed, or denied, is true, &c. See *Voidance*.

**Avoir du poins**, It is true French, *Avoir due poids*, that is, *Habere pondus*, or *justi esse ponderis*. In Law it signifies two Things: First, a Kind of Weight diverse from that which is called *Troy-weight*, containing twelve Ounces to the Pound, whereas this containeth sixteen. And in this respect it may probably be conjectured, That it is so called, because it contains a greater Weight than the other. Secondly, it signifieth such Merchandise as are weighed by this Weight, and not by *Troy-weight*, as in the Statute of York, 9 E. 3. in Proemio. 27 E. 3. Stat. 2. c. 10. 2 R. 2. cap. 1. See *Weights*.

**Avolta**, i. e. *Concameratio*, *Tholus*. 'Tis mentioned in *Mat. Paris. in vitis Abbatum St. Albani*, viz. *Eadem quoque Capella in arduum surgens super eam crepidinem*, (for *concamerationem*,) *que vulgo Avolta dicitur, Dormitrii diminutionem supplet.*

**Avon-River**. See *Alanus*.

**Avowee**, *Advocatus*. See *Advowe*: Britton, cap. 29. saith, That *Avowee* is he to whom the Right of *Advowson* of any Church appertaineth, so that he may present in his own Name; and is called *Avowee*, for a Difference from those that sometimes present in another's Name; as a Guardian, that presenteth in the Name of his Ward: And for a Difference also from those, which have the

Lands, whereto an *Advowson* appertaineth, but only for Term of their Lives, of Years, or by Intrusion, or by Disseisin.

**Avowry**, Is where one takes a Distress for Rent, or other Thing, and the other sues *Replevin*, then the Taker shall justify his Plea for what Cause he took it; and if in his own Right, he ought to shew it, and avow the Taking; which is called his *Avowry*. But if he took it in the Right of another, then when he has shewed the Cause, he shall make Cognisance of the Taking, as Bailiff or Servant to him, in whose Right he did it. *Termes de Ley*, 73. & 21 H. 8. cap. 19. For the more speedy and effectual proceeding upon Distresses and *Avowries*, see 17 Car. 2. cap. 7.

**Aures**. The cutting off the Ears was a Punishment inflicted by the Saxon Laws on those who robbed Churches, and afterwards on every Thief. *Fleta*, lib. 1. cap. 38. par. 10. And this Punishment was not only for Theft, but for many other Crimes. *Upton*, De militari officio, pag. 140.

**Auricularius**, A Secretary: *Quem sibi amicularium & auricularium constituerat*. Mon. Angl. pag. 120.

**Aurum Reginæ**, The Queen's Gold. Rot. Pat. 52 H. 3. m. 6. Vid. *Queen-Gold*.

**Auscultare**. Because the reading of Prayers with a graceful Tone or Accent made some Impression on the Hearers, there was a Person appointed in the Monasteries to hear the Monks read, who directed them how and in what Manner they should do it, before they were admitted to read publicly in the Church before the People; and this was called *auscultare*, viz. to read or recite a Lesson: *Quicumque lecturus vel cantaturus est aliquid in Monasterio, si necesse habeat, ab eo, (viz. cantore) priusquam incipiat, debet auscultare*. *Lanfrancus*, in decretis pro ordinatione Benedict. cap. 5.

**Austurcus** and **Austurcus**, a Goshawk; whence we usually call a Falconer, who keeps that Kind of Hawks, an *Austringer*. Some ancient Deeds have reserved *unum austurcum*, as a Rent due to the Lord.

**Autumn**. Some computed the Years by *Autumns*, but the English Saxons by Winters. *Tacitus*, De moribus German. tells us, That the ancient Germans knew the other Divisions of the Year, but did not know what was meant by *Autumn*. And *Lyndewode* tells us when the several Seasons of the Year begin:

*Dat Clemens Hyemem, dat Petrus Ver cathedratus, Æstuat Urbanus, Autumat Bartholomeus.*

**Autumnalia** are the Fruits of the Earth that are ripe in *Autumn* or *Harvest*. 'Tis mentioned in *Hengham Mag.* cap. 5. *Ista autem ultima Lex potest vadiari ad salvandum Autumnalia aut redditum assisum.*

**Aurilium ad filium militem faciendum & filiam maritandam**, Was a Writ directed to the Sheriff of every County, where the King or other Lord, had Tenants, to levy of them reasonable Aid towards the Knighting of his Son, and Marriage of his eldest Daughter. See *Aide*, and F. N. B. fol. 82. But this is utterly taken away by the Stat. made 12 Car. 2. cap. 24.

**Aurilium Curie**, A Precept or Order of Court, for the Citing or Convening of one Party at the Suit of another. — *Vocat inde ad Warrantiam Johanne Sutton de Dudley Chevalier, & Isabel-*

*lam Uxorem, ut habeat eos hic in Octabis S. Michaelis per auxilium Curie.* Paroch. Antiq. p. 477.

**Aurilium facere alicui in Curia Regis**, To be another's Friend and Solicitor in the King's Court; a Fiduciary Office solemnly undertaken by some Courtiers, for their Dependents in the Country. — *Sciunt presentes & futuri, quod Ego Bernardus de S. Walerico concessi Rogero de Berkley & heredibus suis auxilium & consilium meum in Curia Domini mei Regis Anglia.* Paroch. Antiq. p. 126. Vid. *Ayde*.

**Aurilium petere**, To pray Aid, or Suit in a Cause; i. e. when an inferior Tenant is impleaded, and not capable to defend the Right in his own Name, he prayeth Aid of the superior Lord, to assist and justify his Plea. — *Johannes de Handlo implacitatus de Manerio de Pidington, — dicit quod Ipse non potest prædicto Priori sine ipso Domino Rege respondere, & petit auxilium de ipso Domino Rege.* Paroch. Antiq. p. 414. So the Incumbent prayed Aid of the Patron of the Church, in a Cause that affected a larger Portion of Tithes. Vid. *Ayde*.

**Aurilium Regie**, King's Aid, or Money, levied for the King's Use, and publick Service. Vid. *Scutagium*.

**Aurilium Vicecomitum**, The Aid or Customary Dues paid to the Sheriff, for the better Support of his Office. *Prior de Kime Com. Linc. tenet duas carucas terre in Thorpe per servitium xl denariorum per annum, ad auxilium Vicecomitis.* Mon. Angl. Tom. 2. p. 245. An Exemption from this Duty was sometimes granted by the King, as a special Privilege.

**Await**, 13 R. 2. cap. 1. Seems to be that which we now call *Way-laying*, or lying in wait to do a Mischief. The Words of the said Statute are; It is ordained that no Charter of Pardon from henceforth shall be allowed before any Justice for Murder, or for the Death of a Man slain by Await, Assault, or Malice prepensed, Treason, or Rape of a Woman, unless the same be specified in the Charter, &c.

**Award**, May be derived from the French *Agarder*, and is properly the Judgment of one that is neither assigned by Law, nor appointed by the Judges, for the Ending a Matter in Controversy, but is chosen by the Parties themselves that are at Variance. And may seem to be called an *Award*, because it is imposed on both Parties, *ad custodiendum seu observandum*. Spelm.

**Awme**, Mentioned 1 Jac. c. 33. and 12 Car. 2. cap. 4. Is a Measure of Rhenish Wine, containing forty Gallons; yet you may read in an old printed Book these Words, — *The Rood of Rhenish Wine of Dordreyght is ten Awames, and every Awame is fifty Gallons.* Item, *the Rood of Antwerp is fourteen Awames, and every Awame is thirty-five Gallons.*

**Awning**, A Canopy supported by Iron Staves, hanging over a Boat or Pair of Oars in the River *Thames*. It is the common Word used by the Scamen for the Sail in hot calm Weather, set transverse over the Deck for Shade.

**Awe** and **Aren** come from the Saxon Verb *Arian*, to demand; and from hence our English Word *Ask*.

**Awe or Ere**, a Town in Devonshire.

**Awelodunum**, Hexam in Northumberland.

**Arminstox**, from the Saxon *Acsamynstær*, so called because situated near the River.



**Ayde**, is where a particular Proprietor is impleaded, and not being able to defend the Thing for which he is impleaded, he prayeth *Ayde* of some better able; which is performed two Ways: First, In a Plea real, *Tenens petit auxilium de A. S. sine quo respondere non potest*. Secondly, in a Plea personal, and then the Defendant *Petit auxilium ad manutenendum exitum*. See *Aid*.

**Azaldus**, A Sort of poor Horse or Jade. — *Affri, Azaldi, & alii Equi minoris valoris amovendi sunt a foresta de Englewoode*. Claus. 4 Ed. 3.

**Azorium**, Azure-colour. — *Qui ibidem fodientes lapidem non modicum inventum revolverunt, sub quo locellum ligneum conspicati, convocatis Priore ac Conventu ipsum aperuit interius undique depictum, medietas cum vermiculo, altera medietas cum azorio, & literas, &c. Abbat. Glaston. MS.*

## B.

**Bard**, An antient Sort of Vessel, or Transport Ship. — *Willielmus filius Willielmi Bek, tenet terram suam in Levingburn per Serjantiam inveniendi ad transfretationem Domini Regis unam Navem, quæ vocatur Bard, versus Vasconiam sumptibus suis propriis*. Tenures, p. 62.

**Baca**, A Hook or Link of Iron, or a Staple. — *In axibus emptis & carrectis axandis novem denarios, in colariis, Bacis, & sellis ad idem emptis xiii den.* — *Consuetudinarium domus de Earendon MS. penes. Wh. Kenner, f. 20.*

**Bacerinde**, Is a Saxon Word, and almost good English at this Day, signifying so much as bearing upon the Back, or about a Man. *Bracton* useth it for a Sign or Circumstance of Theft apparent, which the Civilians call *Furtum manifestum*; for dividing *Furtum* into *manifestum* & *non manifestum*, he defineth *Furtum manifestum* in this Sort; *Furtum vero manifestum est, ubi latro deprehensus est seistus de aliquo latrocinio, scil. Handhabend & Backberinde, & insequutus fuerit per aliquem cujus res illa fuerit*. Lib. 3. Tract. 2. cap. 32. *Manwood* in his Forest-Law, Part 2. noteth it for one of the four Circumstances or Cases, wherein a Forester may arrest the Body of an Offender against *Vert* or *Venison*, in the Forest. For by the Assise of the Forest of *Lancaster*, (saith he) taken with the Manner, is when one is found in the King's Forest in any of these four Degrees, viz. *Stable-stand, Dog-draw, Backbear* and *Bloody-hand*; in which Place you may find all these interpreted.

**Baccinium**, A Bason or other Vessel to hold Water to wash the Hands. *Non torpeta non Nountergia non Baccinia, & nil omnino per violentiam exigatur*. *Simeon Dunelm. anno 1126. Mon. Angl. tom. 3. pag. 191. See Bacina.*

**Bacheleria**, The Commonalty, as distinguished from Baronage. — *Festivitate S. Edmundi Regis & Confessoris, in quindenam S. Michaelis apud Westmonasterium per Dominum Regem regaliter celebrata, Communitas Bachelerie Anglia significavit Domino Edwardo filio Regis, &c. Annal. Burton, p. 426. sub an. 1259.*

**Bachelor**, *Baccalaureus*, Cometh of the French Word *Bachelier*; that is, *Tyro*, a Learner: And thereupon I gather those that be called *Bachelors* of the Companies of London, be such of each Company, as are springing towards the Estate of those that are employed in Council, but as yet are Inferior. For every of the Twelve Companies hath a Master, two Wardens, the Livery, and the Ba-

chelor. I have read in an Old Monument, this Word *Bachelor* attributed to the Lord Admiral of England, if he were under a Baron. This Word is used 13 R. 2. Stat. 2. cap. 1. and signifieth the same with *Knight-Bachelor*, 3 E. 4. cap. 5. that is, a Simple Knight, and not a Knight-Baneret, or Knight of the Bath. Touching the farther Etymology of this Word, *Baccalaurei (teste Renano) à bacillo nominati sunt, quia primi studii auctoritatem quæ per exhibitionem baculi concedebatur jam consecuti fuissent, &c. Anno 28 Ed. 3. we find a Petition recorded in the Tower, beginning thus, A nostre Seigneur le Roy monstrent votre Simple Bachelier, Johan. de Bures, &c.*

*Sachez nous Roger de Mortimer Seigneur de Wygemore avoir donne & grante a nostre chier Bachelier, Monsieur Robert de Harley, pour son bon service & pour cent livres de argent, la gard du Corps Gilbert Filz & heir Sir Johan de Lacy, ensemblement avec le mariage mesmes celui Gilbert deyns age esteant en nostre garde, &c. Donne à Penebrugge l'an du Regne le Roy Edward Filz le Roy Edward unzyme. Yet Camden in his Brit. fol. 176. makes a Question whether these Bachelors were not of a middle Degree between Simple Knights and Esquires. In Pat. 8 Ric. 2. par. 1. m. 4. *Johannes de Clanvou* is stiled *Bacalarus Regis*. See *Baneret*.*

**Bacina**, A Bason. — *Duos Margines de duabus marcis argenti, & duas Bacinas argenti de sex marcis, duo candelabra de sedecim marcis.* — *Hist. Elien. a D. Gale edita. p. 623.* In the Inquisition of Serjancies and Knights Fees within the Counties of *Essex* and *Hertford*, Anno 12 & 13 R. Joh. — *Petrus filius Petri Picot, tenet medietatem Heydene per Serjantiam serviendi de Bacinis, i. e. by the Service of holding the Bason, or waiting at the Bason, on the Day of the King's Coronation. Lib. Rub. Scaccar. fol. 137. See Baccinium.*

**Backberind**. See *Bacerinde*.

**Baco**, A Hog, a fat Hog, a Bacon-Hog. The Word very oftens occurs in our Charters, and other Muniments.

**Battile**, A Candle-stick, properly so called, when formerly made *ex baculo*, of Wood, or a Stick. — *Hugo Episcopus Dunelmensis fecit in Ecclesia coram Altari tria ex argento battilia — in quibus lumina die noctuque perpetuo ardentia lucerent. Coldingham, Hist. Dunelm. apud Wartoni Ang. Sac. P. 1. p. 723.*

**Badger**, Cometh from the French *Bagage*; that is, *Sarcina*, a Bundel or Fardel; and thence is derived *Bagagier*, a Carrier of Bundles: It is used with us for one that is licensed to buy Corn, or other Victuals in one Place, and carry them to another to sell; and such an one is exempted in the Statute made in the 5 and 6 of Ed. 6. c. 14. from the Punishment of an Ingrosser within that Statute. See *Crompton's Justice of Peace*, fol. 69, 70.

**Badiza**, *Badereffer*. See *Bath*.

**Baga**, A Bag, or Purse. — *Carta Decani Ecclesie Litchfield, in Mon. Angl. tom. 3. p. 237. ducentas marcas pecunia in quadam Baga de Whalley.*

**Bagabel**. *Edw. 1.* by his Charter granted to the Citizens of *Exeter*, a Collection of a certain Tribute upon all Manner of Wares brought to that City to be sold, towards the Paving the Streets, Repairing the Walls, and Maintenance of the City, commonly called in old English *Bagabel*, *Bethugabel* and *Chipping-gabel*. *Antiq. of Exeter.*

**Bahadum** is mentioned in *Flet. lib. 2. cap. 21.* and signifies a Chest or Coffin.

**Baiardour**, A Carrier, or Bearer of any Weight or Burden; Lat. *Bajulator*. Whence our *Badgers* or Carriers of Corn from one Market to another.—*offerebant duos Incisores in sua lapidicina, & caruagium petra usque ad navim, & de navi usque duos Baiardours servituros ad Ecclesiam.* Petr. Blef. Contin. Hist. Croyland. p. 120.

**Bail**, (*Ballium, plevina, manucaptio*) Cometh of the French (*bailler, tradere.*) It is used in our Common Law properly for the Freeing or Setting at Liberty of one arrested or imprison'd upon Action, either Civil or Criminal, under Surety taken for his Appearance at a Day and Place certainly assigned. *Bract. lib. 3. tract. 2. cap. 8. num. 8 & 9.* The Reason why it is called *Bail*, is, because by this Means the Party restrained is delivered into the Hands of those that bind themselves for his Forth-coming: There is both Common and Special *Bail*; Common *Bail*, is in Actions of small Concernment; and is called Common, because any Sureties in that Case are taken: Whereas upon Causes of greater Weight, or apparent Specialty, Special *Bail* or Surety must be taken, as Subsidy-men at the least, and that to the Value. *Manwood* in his Forest-Laws, Part 1. p. 167. maketh a great Difference between *Bail* and *Mainprize*, saying, He that is *mainprised*, is always said to be at large, and to go at his own Liberty out of Ward, after that he is let to *Mainprize*, until the Day of his Appearance, by Reason of the said Common Summons, or otherwise; but it is not so, where a Man is let to *Bail*, by four or two Men, by the Lord Chief Justice in Eyre of the Forest, until a certain Day; for there he is always accounted by the Law, to be in their Ward and Custody for the Time: And they may, if they will, keep him in Prison, or Ward during that Time. So that he who is so *bailed*, shall not be said by the Law to be at large, or at his own Liberty. See *Lam. Eiren. lib. 3. cap. 2. pag. 330.* *Bail* is also a certain Limit within the Forest, according as the Forest is divided into the particular Charges of several Foresters, *Crompt. in the Oath of Bow-bearer, fol. 201.* See *Mainprize*, and 4 *Inst. fol. 178.*

**Bailiff**, (*Ballivus*) Cometh from the French Word *Bayliff*, that is *Præfectus Provincia*, and as the Name, to the Office it self in ancient Time was answerable to that of *France* and *Normandy*: For as in *France* there be several Parliaments, which being Courts, from which lies no Appeal, and within the Precincts of the several Parts of that Kingdom, that belong'd to each Parliament, there be several Provinces, unto which, within themselves, Justice is ministred by certain Officers called *Bailiffs*. So in *England*, we see many several Counties or Shires, within which Justice hath been ministred to the Inhabitants of each County, by the Officer whom we call *Sheriff* or *Viscount*: The one of which Names descends from the *Saxons*, the other from the *Normans*. And though I cannot expressly prove, that this *Sheriff* was ever called a *Bailiff*; yet it is propable, that might have been one of his Names, because the County is many Times called *Balliva*, a *Bailiwick*: As in Return of a Writ, where the Person is not arrested, he saith, *Infratominatus A. B. non est inventus in Balliva mea.* *Kitchen Ret. Brev. f. 287.* And again, in *Bracton, lib. 3. tract. 2. cap. 33. num. 3. and 5 Eliz. 23. and 14 E. 3. Stat. 1. c. 6.* And in the *Sheriff's* Oath the County is called his *Bailiwick*. And, I think the Word *Bailiff* used cap. 28. of *Magna Charta*, compriseth as well

*Sheriffs* as *Bailiffs* of Hundreds, whom the *Saxons* called *Sceyrmans*. So 14 E. 3. Stat. 1. cap. 9. But as the Realm is divided into Counties, so every County is again divided into Hundreds, within which it is manifest, That formerly the King's Subjects had Justice ministred to them by the several Officers of every Hundred, which were called *Bailiffs*. See *Lupanus de Magistrat. Francor. lib. 2. cap. Ballivi.* And the *Grand Customary of Normandy, cap. 1.* And the Truth hereof *Bracton* attesteth, lib. 3. tract. 2. cap. 34. num. 5. Where it appeareth, That *Bailiffs* of Hundreds might hold Plea of Appeal and Approvers. But since that Time, these Hundred-Courts, (certain Franchises excepted) are by the Statute of 14 E. 3. Stat. 1. c. 9. dissolv'd in the County-Courts, as you read in *County* and *Hundred*. And the *Bailiffs* Name and Office is grown into such Contempt, that now they are only Officers to serve Writs, and do such base Offices within their Liberties. *Crompt. Just. of Peace, fol. 49. a.* Yet is the Name still in good Esteem otherwise, for the chief Magistrates in divers Towns be called *Bailiffs*; as in *Ipswich, Yarmouth, Colchester*, and other Places: And there be others, to whom the King gives the Custody of his Castles, which are called *Bailiffs*, as the *Bailiff* of *Dover Castle*.

These ordinary *Bailiffs* are of two Sorts; *Bailiffs Errants*, and *Bailiffs of Franchises*: *Bailiffs Errants*, *Ballivi Itinerantes*, be those which the Sheriff maketh and appointeth to go hither and thither in the County to serve Writs, to summon the County, Sessions, Assizes, and such like. *Bailiffs of Franchises*, *Ballivi Franchefiarum aut Libertatum*, be those that be appointed by every Lord within his Liberty, to do such Offices within his Precincts, as the *Bailiff Errant* doth at large in the County. Of these, read *Sir Thomas Smith, De Rep. Angl. lib. 2. cap. 16.* There be also *Bailiffs* of the Forest. *Manwood, part 1. p. 113.* There be likewise *Bailiffs* of Husbandry, belonging to private Men of great Substance, who seem to be so called, because they dispose of the Under-Servants, every Man to his Labour and Task, check them for misdoing their Business, gather the Profits to their Lord and Master, and deliver an Account for the same at the Year's End, or otherwise, as it shall be called for. The Office or Duty of a *Bailiff* of a Manor, or Household, (which in ancient Time seemeth to have been all one) *Fleta* well describeth, lib. 2. cap. 72, 73. This Word is also used in the Canon Law, cap. *Dilecto de sent. Excom. in sexto, &c. 1 de poenis in Clement.* where the Glossographer saith, it is a French Word, signifying as much as *Præpositus*; and *Balliva* and *Ballivatus* is used among our Interpreters of the Civil and Canon Law for *Provincia*, as *Balliva* here with us in *England*, is taken for a County or Shire. The Word *Ballivus* is derived from *Baal*, i. e. *Dominus*; quia *Balivi dominantur suis subditis, quasi eorum Magistri & Domini.*

**Bailiff** of a Commote (in *Wales* *Ballivus Commoti*) seems to have some Power of Judicature within the Precincts of the Commote. For thus we read in *Stat. Wallie*, *Balivi autem Commotorum de cetero teneant Commotos suos, & justiciam faciant & exercent inter litigantes.*

**Bailiff** of the Moor. See *Moot*.

**Bailment**, Is a Delivery of Things, whether Writings, Goods, &c. to another, sometimes to be delivered back to the Bailor; that is, to him that so delivered it; sometimes to the Use of the Bailee, that is of him to whom it is delivered; and

and sometimes also it is delivered to a third Person: This Delivery is called a *Bailment*.

**Bamberga**, An iron Armour which covered the Legs in Time of War.

**Bairman**, A poor insolvent Creditor left bare and naked. — *Stat. Will. Reg. Scot. cap. 17.* Bairman, *qui debet fieri, jurabit in Curia quod nihil habet ultra 5 solidos & 5 denarios.*

**Balance of Trade**, A Computing the Value of all Commodities which we buy from Foreigners, and on the other Side, the Value of our native Productions, and Over-plus of foreign Goods, which we export into Neighbour-Nations. And the Difference or Excess between the one Side and the other of such Account or Reckoning, is called *The Balance of Trade*. Which Excess can be answered by us in nothing but our Coin or Bullion. The Overplus of Goods brought from our Colonies in *America*, and other foreign Parts, with which we supplied our Neighbours, did in Time of Peace at least *Balance* our Trade.

**Balkanifer** for *Baldakinifer*, i. e. a Standard-bearer; 'tis mentioned in *Matt. Paris. Anno 1237.* viz. *ea die Balkanifer, qui ut alii, qui ceciderunt, cruentissimam de se reliquit hostibus victoriam, &c.*

**Baldakinus**, The richest Cloath, now called *Brocade*, made with Gold and Silk: *Tumba sancti Alborni obtulit optimum Baldakinum. Matt. Westm. Anno 1260.* Dominus Rex veste deaurata facta de pretiosissimo Baldakino sedens. *Matt. Paris. Anno 1247.* See *Baudekin*, so called, because it was formerly brought from *Babylon*, which in *Latin* was called *Baldacus*.

**Bale**, A Pack, or Quantity of Goods or Merchandise; as a Bale of Silk, Cloth, &c. The Word is used in 16 R. 2. cap. 1. and still in Use.

**Balenger**, By the Statute of 28 H. 6. cap. 5. seems to be a Kind of Barge, Boat, or Water-Vessel.

**Balenger** rather signifies a Man of War, *tandem pene solus fugiens in Balingario. Walsingh. in R. 2.* Hostes armaverunt quinque vasa bellica qualia Balingarias appellamus. *Idem.*

**Baleuga**, A Territory or Precinct. — *Cum tali libertate, quod per totam Balengam possit capere forisfactum suum. Charta Hen. 2.* Recorded in the *Duchy-Office*. See *Bannum* & *Banleuca*.

**Baleys**, A Rod: *Ferens in manu virgam quam vulgo Baleys appellamus. Mat. Paris. Anno 1252.*

**Balistrarius**, A Balister, or Cross-bow Man; Gerard de la Wair is recorded to have been *Balistrarius Domini Regis. 28, 29 Hen. 3. n. 25.* So *Walterus de Moseley. Com. Sur. tenet terras per Serjantiam existendi Balistrarius Domini Regis in exercitu suo, per xl dies, Anno 32 H. 3.*

**Baliva**. In the Statute of *Marlbridge, 52 H. 3. cap. 2.* it is said, — *ubi Balivam habeat vel Jurisdictionem.* Here *Baliva* is well expounded by the Statute it self; for in this Place it signifies Jurisdiction. *Co. Inst. fol. 105.*

**Balivo amovendo**, Is a Writ to remove a Bailiff out of his Office, for want of sufficient living in his *Baliwick*. *Reg. Orig. fol. 78.*

**Balkers** or *Balkers*. See *Conders*.

**Ballare**. This Word is found in *Fleta*, and signifies *scopis expurgare*.

**Balliva**, A *Bailiwick*; from the *Frestch Baillev*, to deliver, or commit. *Ballivus* was the Person to whom an Authority or Trust was committed within such a District. *Balliva* was the whole District, within which the said Trust was to be executed. A whole County was so called; in

respect of the Sheriff, *infra Balliviam tuam*. A whole Barony, in respect of the Lord or Baron; a Hundred in respect of the Chief Constable; a Manor, in respect of the Steward: A Circuit of Villages and Hamlets, with respect of the Capital Manor.

**Ballium**, Bail, or Delivery out of the Hands of a proper Bailiff or Keeper, of the Goods so delivered. — *Catalla Felonum per visum & ballium Coronatorum tradantur. Cart. 3 Ed. 1. ex Cartular. Radinges, MS. f. 156. b.* *Ballium* signifies also a Sort of Fort or Bulwark: *Eam civitatem cum exteriori Ballio castribellatorum suorum insulibus occupavit. Matt. Westm. Anno 1265.*

**Balls**. It hath been sometimes the English Custom to cast Lots by *Balls*. As *A. D. 1593. 14 Apr. Decanus Ecclesie Wellensis & Canonici Residentiarii miserunt Sortes pro Beneficiis, communiter nuncupat. Balls. Registr. Cartar. penes Decan. & Capit. Well.*

**Ban** or *Bane*, *Bannum* signifieth a publick Notice given of any Thing. The Word is ordinary among the *Feudists*, and grown from thence to other Uses; as to that which we here in *England* call a *Proclamation*, whereby any Thing is publickly commanded or forbidden: *Vincent. de Franchef. descif. 251, & 360.* *Hottoman verbo Bannus, in verbis Feudalibus*, saith, That there is both *Bannus* and *Bannum*, and that they signify two divers Things. But in *England* we use this Word *Bans*, especially in publishing matrimonial Contracts in the Church, before Marriage, That if a Man can say ought against the Intention of the Parties, either in respect of Kindred, Precontract, or otherwise, they may take their Exception in Time. And in the Canon Law, *Banne sunt Proclamationes Sponsi & Sponse, in Ecclesiis fieri solite, cap. 27. Extra despons. &c.* Yet our Word *Banning* seems to come from thence, being an Exclamation against, or Cursing of another. *Bracton* in one Place mentions *Bannus Regis*, for a *Proclamation*, or Silence made in Court by the Cryer, before the Meeting of Champions to a Combat, *Lib. 3. tract. 2. cap. 21.* *In terra ditionis sue Bannum, id est, interdictum misit, quod est Prohibitio, quod nullus fur aut latro esset, &c. Hist. Norman. Edit. 1619. fol. 85. b.*

**Bancalia**, Cushions, or like Coverings of Ease and Ornament, for Benches or other Seats. — *Prior Eliensis contulit unum dorsale magnum & pulchrum, cum tapetis & bancalibus ejusdem secta de quibus jam sunt pro magno Altari & Altari in Choro, & bancalia super formas in Choro sternenda in Festis principalibus. Hist. Elien. apud Wharton? Ang. Sacr. P. 1. p. 649.* And we find it mentioned in several Places in the *Monasticon*, as in 1 *Tom. pag. 222.* *Septem scamnorum tegmina, vulgo Bancalia, &c.*

**Bancus**, A Stall, a Bench or Table, on which Goods are exposed to Sale. As *Lib. Domsday, In Eboraco Civitate* — *Comes de Meritonio habet ibi xiv mansiones, & duos bancos in macello, & Ecclesiam Sancte Crucis.*

**Bandoie**, A Musical Sort of Instrument with Strings, first invented by *John Rose* Citizen of *London*, living in *Bridewell*, the 4th of *Queen Elizabeth*. See *Stow Annal. p. 869.*

**Bane**, Proceeds from the Saxon *Bana*, a Murderer, and signifies the Destruction or Overthrow of any Thing. *Bract. lib. 3. tract. 2. cap. 1. nu. 1.* He which is the Cause of another Man's Death, is said to be *le Bane*, a Malefactor. So when

when a Man receives a mortal Prejudice by any Thing, we commonly say, Such a Thing was his Bane.

**Baneret**, *Bannerettus*, *Miles Vexillarius*, in Mr. Skene's Opinion seemeth to be compounded of *Banner* and *Rent*. But *Cambden* in his *Britannia*, pag. 109. derives it from the German *Bannerbeyres*. Sir *Tho. Smith*, *lib. de Rep. Angl. cap. 18.* saith, That a *Baneret* is a Knight made in the Field, with the Ceremony of cutting off the Point of his Standard, and making it as it were, a *Banner*: And accounted so honourable, that they are allowed to display their Arms in a *Banner* in the Field in the King's Army as Barons do. Others add, that Blood must be first drawn in the Field. These are *Cambden's* Words, *loco supra citato*; *Banneretti, cum Vassalorum nomen jam desierat, à Baronibus secundi erant; quibus inditum nomen à Vexillo: Concessum illis erat Militaris virtutis ergo quadrato Vexillo (perinde ac Barones) uti, unde & Equites Vexillarii à nonnullis vocantur, &c.* Of creating a Knight *Baneret*, read Mr. *Segar Norroy* his Book, *lib. 2. cap. 10.* That they be next to Barons in Dignity, appears by the Statute, 14 R. 2. 11. and by 5 R. 2. Stat. 2. cap. 4. It may be conjectured, That they were anciently called by Summons to the Court of Parliament. And 13 R. 2. Stat. 2. cap. 1. we find, That a *Baneret* for praying a Pardon for a Murderer, contrary to the Statute, is subject to all one Punishment with a Baron. *Henry* the Seventh made divers *Banerets* upon the Cornish Commotion, Anno 1495. And *William de la Pole* was created a *Baneret* by *Edward 3.* by Letters Patent Anno regni sui 13. Memb. 13. Those *Banerets* who are created *sub vexillis Regiis in exercitu regali, in aperto bello, & ipso Rege personaliter presente, explicatis*, take Place of Baronets, as appears by the Letters Patent for Creation of Baronets. See further *Selden's Titles of Honour*, fol. 799. and *Co. Inst.* 4. fol. 6.

**Bangoz**. See **Bonium**.

**Banishment**, *Exilium*, *abjuratio*, Cometh of the French Word *Banissement*, and hath a Signification known to every Man: But there be two Kinds of *Banishment* in England; one voluntary, and upon Oath, whereof you may read *Abjuratio*; the other upon Compulsion, for some Offence or Crime. As if a Lay-man succour him that having taken Sanctuary for an Offence, obstinately refuseth to abjure the Realm, he shall lose his Life and Member. If a Clerk do so, he shall be banished, *Staudf. Pl. Cor.* fol. 117. This Punishment is also of our modern *Civilians* called *Bannimentum*, which was anciently termed (*deportatio*) if it were perpetual, or (*relegatio in insulam*) if for a Time. *Vincent. de Franchef. Pet. de Belluga in suo speculo*, fol. 125. nu. 4.

**Bank**, *Bancus*, Cometh of the French *Banque*, i. e. *Mensa*. In our Common Law, it is most usually taken for a Seat or Bench of Judgment; as *Bank le Roy*, the King's Bench; *Bank de Common Pleas*, the Bench of Common Pleas; *Kitchin*, fol. 102. called also in Latin *Bancus Regis*, & *Bancus communium Placitorum*, *Crompt. Just.* fol. 67 & 91. *Cambden* also in his *Brit.* calls them *Bancum Regium*, & *Bancum Communem*: There is another Sort of *Bank*, which signifies a Place where a great Sum of Money is let out to Use, returned by Exchange, or otherwise disposed to Profit. *Fus Banci*, or the Privilege of the Bench, was anciently allowed only to the King's Judges *qui summam administrant justitiam*; for inferiour Courts, such as Court-Barons, and Hundred-Courts were not al-

lowed that Privilege since at this Day the Hundred-Court at *Freebridge* in *Norfolk* is held under an Oak at *Geywood*; and that the Court for the Hundred of *Woolsey* in *Herefordshire* is held under an Oak near *Ashton* in that County, which is called, *The Hundred-Oak*. See *Free-Bench*.

**Bankers**. The Usurers and money'd Goldsmiths first got the Name of Bankers, in the Reign of Ch. 2. as by the Words of an Act of Parliament, Anno 22, 23 Car. 2. *Whereas several Persons, being Goldsmiths, and others, by taking or borrowing great Sums of Money and lending out the same again, for extraordinary Hire and Profit, have gained and acquired to themselves the Reputation and Name of Bankers, &c.*

**Bankrupt**, *Quasi Bancus ruptus*, or *Bankrupt*; because when the Bank or Stock is broken, or exhausted, the Owner is said to be a Bankrupt. The Composition of the French Word, I take to be this; *Banque*, that is, *Mensa*, and *Route*, that is, *Vestigium*, metaphorically taken for the Sign left in the Earth, of a Table once fastened into it, and now taken away. So that the Original seemeth to be drawn from those Roman *Mensarii*, which, as appeareth by many ancient Writers, had their *Tabernas & Mensas* in certain publick Places, where they fled, and deceived Men that had put them in Trust with their Money, they left but the Signs or Carcasses behind them. But *Bankrupt* with us signifies his or her Act, that having gotten other Mens Goods into his Hands, hideth himself in Places unknown, or in his own private House, not minding to restore to his Creditors what is due to them. In the Statute made 34 H. 8. c. 4. the French Word *Banque Route fair*, is literally translated to make Bankrupt. And by 1 Jac. c. 15. a Bankrupt is thus described: *All and every such Person using, or that shall use the Trade of Merchandise, by Way of Bargaining, Exchange, Bartery, Chevifance, or otherwise in Grofs, or by seeking his, her, or their Trade of living, by Buying and Selling; and being a Subject born within this Realm, or any of the King's Dominions, or Denizen, who at any Time since the first Day of this present Parliament, or at any time hereafter shall depart the Realm, or begin to keep his, her, or their House or Houses, or otherwise to absent him, or her self, or take Sanctuary, or suffer him or her self willingly to be arrested for any Debt or other Thing not grown or due, for Money delivered, Wares sold, or any other just or lawful Cause, or good Consideration or Purpose, or hath, or will suffer him or her self to be outlawed, or yield him or her self to Prison, or willingly or fraudulently hath, or shall procure him or her self to be arrested, or his, or her Goods, Money, or Chattels to be attached or sequestred, or depart from his or her Dwelling-house, or make, or cause to be made any fraudulent Grant, or Conveyance of his, her, or their Lands, Tenement, Goods or Chattels, to the Intent, or whereby his, her or their Creditors, being Subjects born, as aforesaid, shall, or may be defeated, or delayed for the Recovery of their just and due Debts; or being arrested for Debt, shall after his or her Arrest, lye in Prison six Months, or more, upon that Arrest, or any other Arrest or Detention in Prison for Debt, and lye in Prison six Months upon such Arrest or Detention, shall be accounted and adjudged a Bankrupt, to all Intents and Purposes.* But the later Act, 14 Car. 2. cap. 23. hath provided, That no Person whatsoever, who shall adventure in the *East-India*, or *Guinea* Company, or in the *Royal Fishery Trade*, shall be esteemed a Merchant or Trader within any Statute of Bankrupt, or liable to the same.



**Banleugs.** See *Bannum*.

**Bannatus foris,** In the same Sense as *Bannitus*, Outlawed, or judicially banished. — *Ego David Filius Leolini concessi Domino Henrico Regi Angliæ — quod de cetero non receptabo Utlagos, vel Forisbanniatos ipsius Domini Regis, vel Baronum suorum.* Pat. 25 Hen. 3. apud Brady Hist. Angl. Append. p. 196.

**Banni Nuptiales,** The Banns of Matrimony. — *Benedictus de Hertelpool, presentatur ad Ecclesiam de Rungeton per Priorem & Conu. Dunelm. 3 Id. Novemb. 1274. per emotionem Johannis de Baulton, qui Matrimonium contraxit cum Isabella de Aslakeby, Bannis editis in facie Ecclesiæ, ut moris est de Goldburg.* Ex Regist. Walt. Giffard. Archiep. Ebor.

**Bannimus,** The Form of Expulsion of any Member, from the University of Oxford, by affixing the Sentence in some publick Places, as a Denunciation or Promulgation of it.

**Bannitus,** An Outlaw, or Banished Man — *Vobis precipimus quod eidem Cancellario ad insequendum, arrestandum & capiendum dictos Malefactores & Bannitos, &c.* Pat. 15 Ed. 3. Part. 3. dorf. 8.

**Bannum, vel Banleuga,** The utmost Bounds of a Manor or Town, so used 47 Hen. 3. Rot. 44. *Carta Canuti Regis Cænobio Thornciæ. Notum facio, me elemosynam nostram Christo concessisse & omnibus Sanctis suis, &c. viz. primo Terram illam a Twiwella usque Therney, ubi Bannum nostrum cessat. Banleuca de Arundel* is used for all comprehended within the Limits or Lands adjoining, and so belonging to the Castle or Town. Seld. Hist. of Tithes, pag. 75.

**Banquerium.** See *Bancale*: Fleta, Lib. 2. ca. 6. *Debet disponere, & camera tapetis & Banqueriis ornentur, &c.*

**Baratoz.** See *Barrator*.

**Barbericæ, (Oxyantha)** A Thorny Shrub, known to most Men to bear a Berry or Fruit red, and of a sharp Taste. These Berries, as also the Leaves of the said Tree, are medicinable, as Gerard sheweth in his Herbal, lib. 3. cap. 21. you find them mentioned among Drugs to be garbled. Anno 1 Jac. cap. 9.

**Barbican (Barbicanam)** A Watch-Tower, Bulwark, or Breast-Work. *Mandatum est Johanni de Kilmyngton Custodi Castri Regis & Honoris de Pickering, quoddam Barbicanum ante portam Castri Regis præditi muro lapideo, & in eodem Barbicano quandam portam cum ponte versatili, &c. de novo facere, &c.* T. Rege, 10 Aug. Claus. 17 Ed. 2. m. 39. *Fontem etiam duplici muro circumdatum habentem barbicanum novem turribus circumseptum.* Rand. de Diceto, Anno 1181.

**Barbicanage;** (*barbicanagium*) Money given to the Maintenance of a Barbican, or Watch-Tower. *Carta 17 Ed. 3. m. 6. n. 14.* 'Tis a Tribute towards the Repairing or Building a Bulwark: 'Tis mentioned in the *Monasticon*. 1 Tom. p. 976. *De kaiagio, muragio, paagio, barbicanagio, & de operibus castrorum, &c.*

**Barca,** a Bark; *Navis mercatoria, & quæ merces exportat.* Gloss. Sax. Ælfrici. A Flotskip.

**Barcaria, Barcaria,** A Barkary, or Tan-house, or Place to keep Bark for the Use of Tanners. *New Book of Entries, Tit. Assise, Corp. Polit. 2.*

**Barcarium, Barcaria,** A Berghery, a Sheep-coat, and sometimes a Sheep-walk. See *Bercaria*.

**Bercarii,** or rather *Berquarii*, May be taken for Shepherds; for we usually say, *Berecarium* a

Shepherd, and both seem to come from the French Word *Bergerie*.

**Bard alias Beard.** See *Clack*.

**Bar. Fer,** Is a Fee of 20d. which every Prisoner, acquitted of Felony, pays to the Gaoler. *Crompt. Just. of Peace, fol. 158.*

**Baragani and Sale,** As it seemeth by *West. Symb. Par. 1. Lib. 2. Sect. 436.* is properly a Contract made of Manors, Lands, Tenements, Hereditaments, and other Things, transferring the Property thereof from the *Bargainor* to the *Bargainee*; whereto the Author of the New Terms of Law addeth, That it ought to be for Money; saying withal, that it is a good Contract for Land, &c. and that the Fee-simple passeth thereby, tho' it be not said in the Deed, *To Have and to Hold the Land to him and his Heirs*: And though there be no Livery and Seisin, made by the Vendor, so it be by Deed indented, seal'd and inroll'd, either in the County where the Land lies, or within one of the King's Courts of Records at Westminster, within six Months after the Date of the Deed, according to 27 H. 8. cap. 16. Such *Bargain and Sale* may be made by Lease and Release, without Livery or Enrolment.

**Bargarer,** Is an obsolete Word signifying a Shepherd, from the French *Berger*.

**Barghmasser.** See *Bergbmasser*.

**Barillum, Barillum, A Barrel.** — *Et propter hanc donationem prædictus Thomas dedit unum barillum vini, &c.* Cartular. Hen. de Oilly, temp. Hen. 2. See *Barrel*.

**Baron, (Baro)** Is a French Word, and hath divers Significations here in England. First, It is taken for a Degree of Nobility next unto a Viscount. *Bract. lib. 1. cap. 8. num. 4.* saith, *Sunt & alii Proceres sub Rege, qui dicuntur Barones, quasi robor Belli.* And in this Signification it is borrowed from other Nations, with whom *Baronia* be as much as *Provincia*. *Petr. Belluga in specul. Princip. fol. 119.* So that *Barons* seem to be such, as have the Government of Provinces, as their Fee holden of the King; some having greater, some lesser Authority within their Territories: Yet it may be probably thought, that of old Times here in England, they were called *Barons* that had such Signories, as we call *Court-Barons*, as they be at this Day in France called *Seigneurs*, that have any such Manor or Lordship. And the Learned in Antiquities have affirmed, That soon after the Conquest, all such came to the Parliament, and sat as Peers in the Upper-House. But when by Experience it appeared, That the Parliament was too much thronged by such Multitudes, it was in the Reign of King John ordain'd, that none should come, but such as the King for their extraordinary Wisdom, Interest, or Quality, thought good to call by Writ; which Writ also then ran (*hac vice tantum*.) But then Men seeing this Estate of Nobility to be but casual, and to depend meerly upon the Prince's Pleasure, they obtained of the King Letters Patent, to settle such Honour upon them, and their Heirs Male, and these were intitled *Barons by Patent*, or Creation, whose Posterity be now by Inheritance, and true Descent of Nobility, those *Barons* that be called *Lords of the Parliament*, of whom the King may create at his Pleasure. Yet nevertheless, there are *Barons by Writ*, as well as by *Letters Patent*, and they may be discerned by their Titles; because the *Barons by Writ* are those that to the Title of Lord, have their own Surname annexed, whereas *Barons by Letters Patent* are named

named by their *Baronies*. These *Barons* which were first made by Writ, may now justly be called *Barons by Prescription*, for that they have continued *Barons* by themselves and their Ancestors, beyond the Memory of Man. The Original of *Barons* by Writ, *Cambden* in his *Brit. Pa.* 109. referreth to *Henry the Third*. *Barons* by Letters Patent, or Creation (say our Antiquaries) commenced in the Time of *Richard II.* For then *John Beauchamp* was created *Baron of Kildermister*. The Manner of whose Creation, read in *Stow's Annals*, p. 1121. *Selden's Titles of Honour*, fol. 687. *Ferne's Glory of Generosity*, p. 125, 126. *Skene de verb. sign. Tit. Baro.* And *Sir Tho. Smith*, lib. 1. de *Ref. Ang. cap. 17.* saith, That none in England is created a *Baron*, unless he can dispend 1000 *li.* per an. or at least 1000 Marks. To these *Segar* (by Office *Norroy*) lib. 4. c. 13. Of Honour Civil and Military, addeth a third Kind of *Barons*, calling them *Barons by Tenures*; and those be the Bishops of the Land; all which, by Virtue of *Baronies* annexed to their Bishopricks, have always had Place in the Upper-House of Parliament, and are termed *Lords Spiritual*. But in former Days all Men were called *Barons*: 'Tis certain the King's Tenants were so called: *Si quis Baronum meorum, vel comitum, vel aliorum, qui de me tenuit, mortuus est.* *Mat. Paris. an. 1110.* *Fecit notificari per totam Angliam, ut Baro quisquis terram tenens de Rege in capite, &c.* *Mat. Westm. pap. 317.* Afterwards it signified only Noblemen: *Nam si illi Barones post mortem Pepini, sic sano consilio egerant, ut pax inter fratres Regis & inter regni Primores ac populum esset.* *Du Fresne*: Where tis plain that *Barones* and *Primores* have the same Signification.

*Baron* in the next Signification, is an Officer, as *Barons* of the Exchequer, of whom the Principal is called *Lord Chief Baron* (*Capitalis Baro*) and the three other (for so many there be) are his Assistants in Causes of Justice, between the King and his Subjects, touching Matters appertaining to the Exchequer and the King's Revenue. The *Lord Chief Baron* is the Chief Judge of the Court, and in Matter of Law, Information and Plea, answereth the Bar, and giveth Order for Judgment thereupon. He alone in the Term-Time sits upon *Nisi prius*, that come out of the King's Remembrancer's Office, or out of the Office of the Clerk of the Pleas, which cannot be dispatch in the Mornings for want of Time. He taketh Recognizances for the King's Debts, for Appearances and observing of Orders. He taketh the Presentation of all Officers in Court under himself, and of the Mayor of London, and sees the King's Remembrancer give them their Oaths: He taketh the Declaration of certain Receivers Accounts of the Lands of the late Augmentation made before him by the Auditors of the Shires; and gives two Parcel-makers Places by Virtue of his Office. The Second *Baron*, in the Absence of the Lord Chief *Baron*, answers the Bar in Matters aforesaid. He also taketh Recognizances for the King's Debts, Appearances and observing of Orders: He giveth yearly the Oath of the late Mayor and Escheator of London, for the true Account of the true Profits of his Office: He taketh a Declaration of certain Receivers Accounts. He also examineth the Letters and Sums of such Sheriffs foreign Accounts, as also the Accounts of Escheators and Collectors of Subsidies and Fifteenths, as are brought unto him by the Auditors of the Court. The Third *Baron*, in the Absence of the

other two, answereth the Bar in Matters aforesaid, and taketh Recognizances as the Former. He giveth yearly the Oath of the late Mayor and Gawger of London for his true Accounting. He also taketh a Declaration of certain Receivers Accounts, and examineth the Letters and Sums of such of the former Accountants as are brought unto him. The Fourth *Baron* is always a Curfitor of the Court, and hath been chosen of some one of the Clerks of the Remembrancers Offices, or of the Clerks of the Pipes Offices: He at the Day of Prefixion, takes Oath of all High-Sheriffs, and their Under-Sheriffs, and of all Escheators, Bailiffs, and other Accountants, for their true Accounting. He taketh the Oath of all Collectors, Controulers, Surveyors, and Searchers of the Custom-Houses, that they have made true Entrances in their Books. He appoeth all Sheriffs upon their Summons in open Court: He informeth the Rest of the *Barons* of the Course of the Court in any Matters concerning the King's Prerogative: He likewise, as the other *Barons*, taketh the Declaration of certain Receivers Accounts, and examineth the Letters and Sums of such of the former Accountants as are brought unto him.

These *Barons of the Exchequer* are ancient Officers, for I find them named, *Westm. 2. cap. 11 an. 13 E. 1.* and they be called *Barons*, because *Barons* of the Realm were wont to be employed in that Office. *Fleta, lib. 2. cap. 24.* *Sir Tho. Smith* saith of them, That their Office is to look to the Accounts of the Prince, and to that End they have Auditors under them, as also to decide all Causes appertaining to the King's Profits, coming into the Exchequer by any Means. This is proved in Part by the Statutes of 20 E. 3. cap. 2. 27 E. 3. Stat. 2. cap. 18. 5 R. 2. Stat. 1. cap. 9, & 12, & 14 R. 2. 11. And hereupon they have of late been Men learned in the Common Laws of the Realm, whereas in ancient Time they were others, viz. *Majores & discretiores in Regno, sive de Clero essent, sive de Curia.* *Ockham* in his *Lucubrations, De Fiscis Regii ratione.* *Horne's Mirror of Just.* saith, That the *Barons* were wont to be two, and they Knights. *Cap. de la place l'Eschequer.*

There are also *Barons* of the Cinque-Ports; 31 E. 2. 3. 2. & 33 H. 8. cap. 10. which are two of every the seven Towns of *Hastings, Winchelsea, Rye, Rumney, Hithe, Dover, Sandwich*, that have Places in the Lower House of Parliament. *Crompt. fur. fol. 28.*

*Baron* in the Third Signification, is used for the Husband in Relation to his Wife, which is so ordinary in all Law Books written in French, that it would be vain to mention any one.

The Chief Magistrates of London were also called *Barons*, before they had a Lord Mayor, as will appear by the City-Seal, as also by several ancient Charters, particularly one of H. 3. in these Words, *Henricus Rex. Sciatis nos concessisse & hac presenti Charta nostra confirmasse Baronibus nostris de Civitate London, quod eligant sibi Mayor de seipsis singulis annis, &c.* See *Spelman's Gloss.* at large upon this Word.

*Barones regis* were either of the King's Family, or those who held their Lands immediately of him.

*Baronet, Baronettus*, Is a Dignity or Degree of Honour, and hath Precedency before *Banerets, Knights of the Bath*, and *Knights Batchelors*, excepting only such *Banerets* as are made *sub Vexillis Regiis in aperto Bello, & ipso Rege personaliter presente.*

This

This Order was erected by King James, 1611. as may appear in *Rot. Part. 10. Jac. Par 10. m. 8. & 14 Jac. Part. 2. m. 24.* with an *Habendum sibi & Hæredibus masculis*. Therefore we may believe, that where the Word *Baronets* is mentioned in our Old Statutes, and ancient Authors, it is Mistaken for *Baronets*. *2 Inst. fol. 667.* And *Selden's Titles of Honour, fol. 736.*

**Barony**, (*Baronia, Baronagium*.) Is that Honour that gives Title to a *Baron*, under which Notion are contained not only the Fees and Lands of Temporal *Barons*, but of Bishops, who have two Estates, one as they are Spiritual Men, by Reason of their Spiritual Revenues and Promotions, as was the Tribe of *Levi* among the *Israelites*, being sustained only by the First-Fruits and Tenths of the other Tribes. *Josb. cap. 13. ver. 14.* The other grew from the Bounty of our English Kings, whereby they have *Baronies* at the least, and by that are Lords of Parliament. In ancient Times thirteen Knights Fees and a Quarter made up a Tenure *per Baroniam*, which amounted to 400 Marks *per annum*. This *Barony* (according to *Bract. lib. 2. cap. 34.*) is a Right invisible, and therefore if an Inheritance be to be divided among Coparceners, though some capital Messuages may be divided, yet, *Si capitale Messuagium sit caput Comitatus, vel caput Baronie*; he saith, They may not be parcelled. The Reason is, *Ne sic caput per plures particulas dividatur, & plura fura Comitatum & Baroniarum deveniant ad nihilum, per quod deficiat regnum, quod ex Comitatibus & Baronis dicitur esse constitutum.* There are other *Barons* which bear that Title to this Day, but are no *Barons* of Parliament. Such were those constituted by *Hugh Lupus* Earl of Chester, in the County Palatine there; as the *Baron of Malpas*, the *Baron of Kinderton*, &c. The Manor of *Burford* in the County of *Salop* was found by Inquisition *cap. 40 Ed. 3. teneri de Rege ad inveniendos 5 homines pro Exercitu Wallie, & per servitium Baronie*, and the Lord thereof (Sir *Gilbert Cornwall*) is called *Baron of Burford*; but is no *Baron* of Parliament.

The *Baronies* belonging to Bishops are, by some, called *Regalia*, because *ex sola liberalitate Regum eis olim concessa & a Regibus in feudum tenentur*; and those Royalties did not consist in one *Barony* alone, but in many; for *Tot erant Baronie quot majora predia*. *Stubbs*, writing of the Archbishops of *York*, tells us, That *Rex iratus tres Baronias Archiepiscopatus Eboracensi ex antiquo cellatas & eidem annexas seipsi fecit.*

**Barr**, *Barra*, Cometh of the French (*Barr*) or *Barriere*, that is, *Repagulum, Obex, Vælis*. In the Legal Sense, it denotes a peremptory Exception against a Demand or Plaint, and is by the Author of the Terms of the Law said to be such a Plea, as is sufficient to destroy the Action of the Plaintiff for ever: And is divided into a *Barr* to common Intendment, and a *Barr Special*, A *Barr* to common Intendment, is an Ordinary or General *Barr* that ordinarily disableth the Declaration or Plea of the Plaintiff. A *Barr Special*, is that which is more than Ordinary, and falleth out in the Case in Hand, upon some Special Circumstance of the Fact. *Plow. Com. Coltbirsi's Case, fol. 26. a. b.* As for Example, An Executor being sued for his Testator's Debt, pleaded, That he had no Goods left in his Hands at the Day the Writ was taken out against him: This is a good *Barr* to common Intendment, or (*prima facie*). But yet the Case may so fall out, that more Goods might fall to his Hands since that Time;

which if the Plaintiff can shew by way of Replication, then except he have a more especial Plea or *Barr* to be alledged, he is to be condemned in the Action. See also *Plow. in casu supra citato fol. 28.* and *Bro. Tit. Barr, num. 101.* and *Kitchin, fol. 215.*

*Barr* also in the same Signification, is divided into *Barr Material*, and *Barr at large*. *Kitchin, fol. 68.* A *Barr Material*, as it seemeth, may be otherwise called a *Barr Special*: As when one in Stop of the Plaintiff's Action, pleadeth some particular Matter, as a Descent from him that was the undoubted Owner, a Feoffment made by the Ancestor of the Plaintiff, or such like. A *Barr at large* is, when the Tenant or Defendant, by way of Exception, doth not traverse the Plaintiff's Title, by Pleading Not guilty, nor confess or avoid it, but only making to himself a Title in his *Barr*. As if in an *Affize of Novel Disseisin*, the Tenant plead a Feoffment of a Stranger unto him, and gives but a Colour only to the Plaintiff; of this, there may be an Example found, *5 H. 7. fol. 29.* *Barr* is also in regard of the Effect, divided into *Barr perpetual*, and *Barr pro tempore*: *Perpetual* is that, which overthroweth the Action for ever. *Barr pro tempore* is that, which is good for the Present, and may fail hereafter. See *Brook, Tit. Barr, nu. 23.* where he saith, That to plead *Plene administravit* is good, until it may appear, that more Goods came to the Executor's Hands afterwards: Which also holdeth for an Heir, that in an Action of his Ancestor's Debts, pleadeth *Riens per descent*. This Word is also us'd for a *Material Barr*, as the Place where Serjeants at Law or Counsellors stand to plead Causes in Court, or Prisoners to answer to their Indictment; whence our Lawyers, who are called to the *Barr*, or licensed to plead (in other Countries called *Licentiatii*) are termed *Barristers*. *24 Hen. 8. c. 24.* See *Blank-Barr*,

*Barra Auri, vel Argenti*: A *Barr* of solid Metal.

**Barraria**, A Hedge or Fence for a *Barrier*, or Mound in Land—*dedimus quietantiam Fratribus S. Johannis Jerusalem, de purprestura inter metas Haie de Halewode, in Nottingham sita apud Winkebiri, de viis, acris & dimid. & de situ Barrarie sue, & de vasti Communis bosci.*—*Cart. Ric. Reg. 1.*

**Barraster** (*Barrasterius, Repagularius Causidicus*.) See *Utter Barraster*.

**Barrator** or **Barreter**, (*Barefator*, French *Barateur*, a Deceiver;) is a common Mover or Maintainer of Suits, Quarrels or Parts either in Courts, or elsewhere in the Country; and is himself never quiet, but at Brawl with one or other, *Qui cum Terentiano Davo omnia perturbat*: To this Effect you may read *Lamb. Eiren, p. 342.* who saith also, That *Barator* may seem to be derived from the Latin *Barator*, or *Balatro*, that is, a vile Knave, or Unthrif; and by a Metaphor a Spot in a Common-wealth. See the Statute of *ChamPERTY*, *33 Ed. 1. Stat. 2. cap. unico, and West. 1. c. 32. An. 3 E. 1. Mr. Skene de verb. signif. Tit. Barratry*, saith, That *Barrators* be Symonists, so called of the Italian Word *Barrataria*, signifying Corruption or Bribery in a Judge, giving a false Sentence for Money; whom you may read more at large, as also *Hortensius Cavalcantus* in his *Traet. de Brachio Regio, p. 5. nu. 66.* See also *Egidius Bossius in practica criminali, Tit. de Officialibus corrupt. &c. nu. 2, & 6. & Co. lib. 8. fol. 36, 37.*

**Barrel**, Is a Measure of Wine, Oil, &c. containing the eighth Part of a Tun, the Fourth of a Pipe, and the Second of a Hoghead, that is, thirty-one Gallons and an half. 1 R. 3. cap. 13. But this Vessel seemeth not to contain any certain Quantity, but differeth according to the Liquor: For a Barrel of Beer containeth thirty-six Gallons, and a Barrel of Ale but thirty-two. Anno 23 H. 8. cap. 4. and by 12 Car. 2. cap. 25. The said Mise of thirty-two Gallons of Wine-Measure, which is about twenty-eight Gallons of Old Standart, well packed, containing in every Barrel usually a Thousand full Herrings at least, is, and shall be taken for good, true, and lawfull Mise of Herring Barrels. Anno 13 Eliz. c. 11.

**Barriers**, Cometh of the French Word *Barres*, and signifieth with us that which the Frenchmen call *Feu de Barres*, i. e. *Palæstra*, a Martial Sport of Exercise of Men armed, and fighting together with short Swords, within certain Bars or Lists, whereby they are separated from the Spectators: It is well grown out of Use here in England.

**Barrow**, A large Hillock or Mount of Earth, raised or cast up in many, especially the Western Parts of England, which may seem to have been a Mark of the Roman *Tumuli*, or Sepulchres of the Dead. From the Saxon *Boerg*, a raised heap of Earth: Or rather from *Bearu*, *Beora*, which was commonly taken for a Grove or Toft of Trees on the Top of a Hill. See Mr. Kennet's Glossary to Paroch. Antiq. in the Word *Barrow*.

**Barter**, May probably be derived from the French *Barater*, *Circumvenire*. It signifieth in our Books, Exchange of Wares for Wares. An. 1 R. 3. cap. 9. And so the Substantive *Bartry*, 13 Eliz. cap. 7. The Reason may be, because they that chop and change in this Manner, do endeavour for the most Part, one to over-reach and circumvent the other.

**Barton**, Is a Term used in Devonshire, and other Parts, for the Demesne Lands of a Manor; sometimes for the Manor-House it self; and in some Places for Out-houses and Fold-Yards. In the Stat. 2. and 3 E. 6. cap. 12. Barton Lands and Demesne Lands, are used as Synonyma's. See *Berton*.

**Bas Chevaliers**, Low or inferior Knights by Tenure of a bare Military Fee, as distinguished from Baronets and Banerets, who where the Chief or Superior Knights. Hence we now call our bare simple Knights, inferior to Baronets, &c. Knight-Bachelors, i. e. *Bas Chevaliers*, which in all Likelihood gave Name to the Academical Degree of Bachelors, as a Quality lower than that of Masters and Doctors. So in France they call the Suburbs the *basse Ville*, or the inferior Town. See Mr. Kennet's Glossary to Paroch. Antiq. in voce.

**Basardi**, Qu. whether Pattens, or Clogs, or Slop-shoes, — *Inter Injunctiones Philippi Repingdon Episcopi Lincoln. datas Vicariis, Ludimagistris, &c. An. 1410. — Item quod dicti Vicarii & Clerici quicumq; & precipue cum fuerint revesiti, in honestis togis suis cum longis manicis, que vulgariter Pokes nominantur, non utantur — ac etiam basardos & calapodia deponant, que in Ecclesia strepitum faciunt & generant malum sonum.* Reg. Repingdon Episc. Linc.

**Base Court**, Is any inferior Court, that is not of Record, as the Court-Baron, &c. Of this read *Kitchin*, fol. 95, 96, &c.

**Base Fee**. Vide *Bas Estate*.

**Base Estate**, Is in true French *Bas Estat*. It signifies that Estate which Base Tenants have in their Land. Now Base Tenants, be they (according to Lambard, in his Explication of Saxon Words, verb. *Paganus*,) which perform to their Lords Services in Villenage. The Author of the Terms of the Law, saith, That to hold in Fee Base, is to hold at the Will of the Lord. *Kitchin*, fol. 41. makes Base Tenure and Franck Tenure, to be Contraries, and puts Copyholders in the Number of Base Tenants; whence it may probably be conjectured, that every Base Tenant holdeth at the Will of the Lord, but yet that there is a Difference between a Base Estate, and Villenage; which *Fitzb.* in his *Nat. Brev.* fol. 12. seemeth to intermingle. For to hold in Villenage, is to do all that the Lord will command. So that a Copyholder hath but a Base Estate; not holding by doing every Commandment of his Lord, he cannot be said to hold in Villenage. And I will not undertake to determine, whether Copyholders by Custom, and Continuance of Time, have shaken off that extream Servitude, wherein they were at first created, altho' *Fitz.* loco citato, saith, Tenure by Copy hath grown but of late Years.

**Basels** (*Baselli*) a Sort of Coin abolished by Hen. 2. Anno 1158. This Year the King altered his Coin, abrogating certain Pieces called Basels. *Hollinsb.* pag. 67.

**Baselard**, or **Basillard**, in the Stat. 12 R. 2. cap. 6. signifies a Weapon; which Mr. Squeight, in his Exposition upon Chaucer, calls *Pugionem vel siccam*, A Poniard; *Arrepto Basillardo transfixit Jack Straw in gutture.* Knighton, lib. 5. *Cum alio Basillardo penetravit latera ejus.* Idem, pag. 2731.

**Baselers**, A. D. 1180. *Nova Moneta currit in Anglia post Baselers, circa Festum Sancti Martini.* Annal. Waverl. sub Anno 1180.

**Basileus**, i. e. a King. 'Tis mentioned in several of our Historians, and seems peculiar to the Kings of England. *Monasticon*, Tom. 1. pag. 65. *Ego Edgar totius Anglia Basileus confirmavi.* So in Page 84, 93, 102, 140, 218, 236. and 2 Tom. pa. 838, 840, 841. *Flor. Worces.* pag. 617. *Ingulphus.* pa. 384. *Malmesb.* 58. *Mat. Paris.* 156, 157. *Hovedon*, p. 426, 435.

**Basnetum**, A Basnet, or Helmet. By Inqu. 22 Ed. 3. after the Death of Laurence de Hastings Earl of Pembroke thus: — *Quod quidem manerium (i. e. Aston Cantloue) per se tenetur de Domino Rege in capite per servitium inveniendi unum hominem peditem cum arcu sine chorda, cum uno basneto, sive cappa per xl dies sumptibus suis propriis, quotiens fuerit guerra in Wallia.*

**Bassa Tenura**, Base Tenure, or holding by Villenage or other Customary Service, as distinguished from *Alta Tenura*, the Higher Tenure in Capite, or by Military Service, &c. *Manerium de Cheping Farendon, cum pertinentiis, est de antiquo dominico corona Domini Regis, unde omnia predicta tenementa sunt parcella, & de bassa tenuta ejusdem manerii.* *Consuetud. Domus de Farendon*, MS. f. 44.

**Basse**, A Collar for Cart-Horses, made of Straw, Sedge, Rushes, &c. A. D. 1425. The Burfars of the Priory of Burcester Com. Ozon. account — *in tribus coleris, uno basse, cum tribus capistris v. fol. x. den. ob.* Paroch. Antiquities, p. 574. Hence the Basse for kneeling in Churches.

**Bas-**



**Bassinet** a Skin with which the Soldiers covered themselves; from the Saxon, *Basang*, *Cblamys*.

**Bastard**, *Bastardus*, From the British *Bastard*, that is *Nothus* or *Spurins*; Is one that is born of any Woman not married; so that his Father is not known by Order of Law, and therefore is called *Filius Populi*, the Child of the People.

*Cui pater est populus, pater est sibi nullus & omnis:*  
*Cui pater est populus, non habet ipse patrem.*

The Learned *Spelman* very rationally derives the opprobrious Name of *Bastard*, from the Norman *bas*, and Saxon *Steort*, Rise or Original; as a Person of a base and vile Extra. The like Termination and Sense remain in *Upstart*, a Fellow of a new and late Rise. Such *Bastard* cannot inherit Land, as Heir to his Father, nor can any but the Heir of his Body take Land as his Heir. *Littleton, sect. 401.* If a Child be begotten by him that marries the Mother after the Child's Birth, yet it is in the Judgment of Law a *Bastard*, tho' the Church holds it legitimate. *Stat. 20 H. 3. 9. and 1 H. 6. 3. Co. on Lit. 244.* If a Man take a Wife who is great with Child by another, who was not her Husband; yet the Child, tho' born but one Day after the Marriage, shall be Heir to the Husband. So if one marry a Woman, and never bed her, but die before Night, and she have a Child after, yet it seems he shall be accounted his Child, and legitimate. See the *English Lawyer*, 117. If a Man or Woman marry a second Wife or Husband, the first Living, and by that second have Issue, such Issue is a *Bastard*. *39 E. 3. 14. 7 H. 4. 49. 18 E. 4. 26.* If a Woman elope with a Stranger, and hath a Child by him, yet if the Husband be *infra quatuor Maria*, he is legitimate, and shall inherit the Husband's Lands. *44 Ed. 3. 10. 7 H. 4. 10.* For the Punishment of the Mother and reputed Father of a *Bastard*, see *18 Eliz. cap. 3.* He that gets a *Bastard* in the Hundred of *Middleton* in the County of *Kent*, forfeits all his Goods and Chattels to the King. *M. S. de temp. Ed. 3.* Before the *Stat. 2 & 3 Ed. 6. cap. 21.* one was adjudged a *Bastard* *quia filius sacerdotis*. *Plac. de temp. Joh. Regis, Lincoln 22.*

**Bastard**, *Barstardium*, signifies likewise a Kind of Weapon. *Absque armis, gladiis & barstardis, &c. Claus. 17 R. 2. dorso,*

**Bastard**, (*Barstardia*) Cometh of the French Word *Bastard*, and signifies a Defect of Birth, objected to one begotten out of Wedlock. *Bract. lib. 5. cap. 19.* How *Bastardy* is to be proved, or enquired into, if it be pleaded; see *Rastal's Entries*, Tit. *Bastardy*, 104. and *Kitchin*, fol. 64 who mentions *Barstardy Special*, and *Bastardy General*: *Bastardy General* is a Certificate from the Bishop of the Diocese to the King's Justices, after just Enquiry made, that the Party enquired of is a *Bastard*, or not a *Bastard*, upon some Question of Inheritance. *Bastardy Special* is a Suit commenced in the King's Court, against him that calleth another *Bastard*; so termed, because *Bastardy* is the principal and Special Case in Trial, and no Inheritance contended for. And by this it appeareth, that in both these Significations *Bastardy* is rather taken for Examination or Trial, whether a Man's Birth be legitimate or not, than for *Bastardy* it self. See *Bro. Tit. Bastardy, n. 29.* and *Dr. Ridly's Book* pag. 203, 204.

**Baston**, Is a French Word signifying a Staff or Club, and by the Statutes of our Realm, denotes one of the Wardens of the Fleet's Servants or Officers, that attendeth the King's Court with a painted Staff, for the taking into Custody such as are committed by the Court; and so it is used in *1 R. 2. 12. 5 Eliz. cap. 23.* See *Trayle Baston*, and *Tipstaff*.

**Basus**. *Per basum tolnetum capere*, To take Toll by Strike, and not by Heap; *per basum* being opposed to *in cumulo vel cantello*. — *Tolnetus ad molendinum fit secundum consuetudinem regni — mensura per quas tolnetus capi debet sent concordantes mensuris Domini Regis, & capiatur tolnerus per basum, & nichil in cumulo vel cantello*, — *Consuetud. Domus de Farendon, MS. fol. 42.*

**Batable Ground**, Was the Land lying between *England* and *Scotland*, heretofore, when the Kingdoms were distinct, in Question to whom it belonged. *23 H. 8. 6. and 32 H. 8. 6.* The Word seems as if we should say *Debatable Ground*, or Land about which there is Debate, according to the Opinion of *Skene*. See *Lamb. Brit. Tit. Cumberland*.

**Bath**, called by the Britons *Badiza*, and *Aqua solis* by the Saxons. See *Aqua solis*, *Aemannes Ceaster*, *Bathan-cestre*, *Batbon*. Lat. *Aemanni Civitas*, i. e. the City of sick Men who resort thither. Now called *Bath*, in *Somersetshire*.

**Battoria**, i. e. a Fulling-Mill. 'Tis mentioned in the *Monast. 2 Tom. p. 832. viz. Usque ad stagnum molendini ipsius Willielmi cum Buttorio*, (for *Battorio*) & a *gardino suo ubique*, &c.

**Battswaine**, Sax. *Bat*, a Boat, and *Swayne* a Servant; a Mariner, or *Boatswain*. *Domesday*.

**Battel**, *Duellum*, Signifies in our Common Law a Trial by Combat: The Manner whereof, because it is long, full of Ceremonies, and now totally disused, the better to understand, I refer you to *Glanville, lib. 2. cap. 3, 4, 5. Bract. lib. 3. tract. 2. c. 21. fol. 140. Brit. c. 22.* And *Sir Tho. Smith de Rep. Ang. lib. 2. c. 7. & lib. 2. cap. 3.* See *Combat*.

**Battery**, (from the French *Batre*, to strike, or the Saxon *Batte*, a Club,) is a violent Striking or Beating any Man; for which, in regard it tends to the Breach of the Peace, the Party injur'd may either indict the other at the Sessions, or have his Action of Trespas of Assault and Battery against him, and recover what the Jury will give him; which Action will lie as well before as after the Indictment. But if the Plaintiff made the first Assault, the Defendant shall be quit, and the Plaintiff shall be amerced to the King for his false Suit. In some Cases a Man may justify the moderate Beating of another, as the Parent his Child, the Master his Servant or Apprentice, &c. This Battery the Civilians call *Injuriam personalem*, *quia persona infertur per verbera*, &c. *Wesemb. par. 1 de injur. & fam. libell.*

**Battle**, *Batellus*, A little Boat. In the Reign of *Edw. III.* every great Ship landing at *Billingsgate* in *London*, paid for Standage two Pence; every little Ship with Orellocks, a Penny: The lesser Boat, called a *Battle*, a Half-penny. See *Stow's Survey of Lond. f. 225.*

**Batus**, A Boat, and *Batellus*, a little Boat. *Concessit etiam eidem Hugo Wake, &c. quod Prad. Abbas, &c. de Croyland habeant tres Batellos in Harnolt, &c. Cart. E. 1. 20 Jul. 18. Regni.* See *Libera Batella*. Hence we have an old Word *Batsweynes*, for such as now we call *Boatswains*, vulgarly

vulgarly the *Boson of a Ship*. It is a very frivolous Conjecture of Dr. Skinner, — *Nescio an nostrum Boat ortum sit a Teutonico Bott, Nuncius, q. d. Cymba internuntia classis*. It is more certain the Latin *Batius*, Hisp. *Batel*, Ital. *Batello*, came from the Saxon *Bat*, and that from the old Brit. *Bâd*, which in present *Welsh* and *Irish* is a *Boat*. Hence a *Bottom*, which is still a common Word for a marine Vessel: Whence *Bottomry*, when the Master of a Ship borrows Money upon the Credit of his *Bottom*.

*Baubels*, (*Baubella*) Is an old Word signifying *Jewels*. Ro. *Hoveden. part. poster. suor. Annal. f. 449. b. Tres partes thesauri sui & omnia Baubella sua amisit*.

*Baudekyn*, Cloth of Gold, or Tissue upon which Figures in Silk, &c. were imbroidered. — In die S. Johannis Evangelista (Anno 1285.) Antoni us Episcopus Dunelm. Ecclesiam ingressus duas Baudekyns historiam Nationis Dominica continentes obtulit, & eas ad ornandum magnum Altare in Festo Natalitii assignavit. Hist. Dunelm. apud Whartoni Ang. Sacr. Par. 1. p. 747. Baldicum & Baldekimon, anno 4 Hen. 3. cap. 6. erat pannus auro vigidus, plumatogue opere intertextus. Yet some Authors account it Cloth of Silk only.

*Bay or Pen*, Is a Pond-head, made up of a great Height to keep in Store of Water, so that the Wheels of the Furnace, or Hammer belonging to an Iron Mill, may be driven by the Water coming thence through a Passage or Flood-gate, called the *Penstock*. Also a Harbour where Ships ride at Sea near some Port. The Word is mentioned An. 27 Eliz. cap. 19. Buchan. in his Hist. Scot. fol. 7. writes it *Bei*, and expounds it by *Sinus Maris*.

*Beacon*, A kind of Saxon Word betokening a Signal: It is well known. 8 El. cap. 13. *Beaconage* (*Beaconagium*) Money paid towards the Maintenance of a *Beacon*, and we still use the Word to *Becken*, to give Notice unto. See the Stat. 5 H. 4. and Dorf. Pat. 28 H. 6. part. 2. m. 21. *Pro Signis, Anglice Beacons, & Vigiliis*. And Pryn's *Animad.* on 4 Inst. f. 134, and 135. See *Firebare*.

*Bead*, or *Bede*, (Sax. *Bead*, *Oratio*). So that to say *Our Beads*, is to say *Our Prayers*. They were most in Use before Printing, when poor People could not go to the Charge of a manuscript Prayer-Book. These are mentioned in 27 H. 2. c. 26. and 3 Jac. c. 5.

*Beam* is that Part of the Head of a Stag where the Horns grow; from the Sax. *Beam*, i. e. *Arbor*; because they grow out of the Head as Branches out of a Tree.

*Bearding*, alias *Warding*, of Wooll. See *Clack*.

*Beareys*, — Justices of Peace shall enquire, hear, and determine of *Maintenors*, *Bearors*, and *Conspirators*, and of those that commit *Champany*, &c. Anno 4 Ed. 3. cap. 11. Such as *bear down* or oppress others; *Maintainers*.

*Beasts of the Forest*, (*Fera sylvestres*) Are those that are otherwise called *Beasts of Venery*, and are five: The Hart, the Hind, the Hare, the Boar, and the Wolf: *Antiquitas Britannia*, written before the Conquest, fol. 43. Holinsb. Description of England, p. 206. b. 30. Book of St. Albans, f. 30. *Budaus*, lib. 2. de *Philologia*, and divers others.

*Beasts of Chase*, (*Fera campestres*) Also are five; viz The Buck, the Doe, the Fox, the Marten, and Roe. *Mamwood's Forest Law. Part. 2. cap. 4. num. 2.*

*Beasts and Fowl of Warren*, Are only these, the Hare, the Coney, the Pheasant, and the Partridge, as appears by the Register of Writs. f. 95. in *brevi de transgressione*, F. N. B. fol. 86, 87. Co. on Lit. 233.

*Beastials*. See *Besials*.

*Beaupleader*, (*Pulchre Placitando*) Is made of two French Words *Beau*, *Formosus*, *Pulcher*, and *Plaid*, *Disputare*, *Causum agere*; and signifies in Common Law a Writ upon the Statute of *Marlbridge*, 52 H. 3. c. 11. whereby it is provided, That neither in the Circuit of Justices, nor in Counties, Hundreds, or Court-Barons, any Fines shall be taken of any Man for *Fair Pleading*, that is, for not pleading fair, or aptly to the Purpose; upon which Statute this Writ was ordained, against those that violate the Law herein. See F. N. B. fol. 270. whose Definition is to this Effect: The Writ upon the Statute of *Marlbridge*, for not *Fair Pleading*, lieth where the Sheriff, or other Bailiff, in his Court, will take Fine of the Party, Plaintiff or Defendant, for that he pleadeth not fairly. And it was as well in respect of the vicious *Pleadings*, as of the *Fair Pleadings*, by way of Amendment. 2 Part, Inst. fol. 122.

*Bed-ale*, or *Bid-ale*, Was a friendly Assignment made for Neighbours to meet, and drink at the House of new married Persons, or other poor People, and then for the Guests to contribute to the Housekeepers. See *Bidale*.

*Bedel*, *Bedellus*, Is derived from the French Word *Bedeau*, which signifies a Messenger, or Apparitor of a Court, that cites Men to appear, and answer. It is also an inferior Officer of a Parish or Liberty, well known in London and the Suburbs. *Mamwood* in his *Forest-Laws*, cap. 21. saith, That a *Beadle* is an Officer or Servant of the Forest, that doth make all Manner of Garnishments for the Courts of the Forest; and also all manner of Proclamations, as well within the Courts of the Forest as without, and also to execute all the Process of the Forest: He is like unto a Bailiff Errant of a Sheriff in his County. *Edgarus interdicit omnibus Ministris, id est, Vicecomitibus, Bedellis, & Balivis in patria Girvurum, — ne introeant fines & limites distri marisci*. Ingulph. Hist. Croyl. The Word *Bedel*, properly a Crier, was Sax. *Bydel* from *Bydde*, to publish or declare: As to *bid* and *forbid* the Banns of Matrimony, *bidding* of Prayers, &c. Hence the Unicerfity *Bedels*, the *Bedel* of Beggars; the Church *Bedels*, which we now call Summoners and Apparitors.

*Bedehouse*, An Hospital, or *Alms-house* for *Bedes-men*, or poor People, who prayed for their Founders and Benefactors, from Sax. *Biddan*, to Pray.

*Bedelary*, *Bedelaria*, is the same to a *Bedel*, as *Baliva*, a *Baliwick*, is to a *Bailiff*. Litt. lib. 3. c. 5. *Will. filius Ada tenuit Bedelariam Hundredi de Macclesfield*, &c. Ex Rot. Antiq.

*Bederepe*, or *Bidrepe* (from the Sax. *biddan* to entreat or pray, and *repe*, to reap Corn.) This Customary Service of inferior Tenants, was call'd in the Latin of that Age, *Precaria*, *bedrepium*, &c. Signifying a Service, which some Tenants were anciently bound to perform, as to reap their Landlords Corn in Harvest, in Imitation of which, some are yet tied to give one, two, or more Days-work, when commanded, called in some Places, *Boon-days*. *Debent venire in Autumno ad precariam que vocatur a le Bederepe*, Pla. in Craft. Pur. 10 H. 3. Rot. 8. See *Magna Precaria* and *Precaria*.

**Bedeweri** are those which we now call *Banaiti*, profligate and excommunicated Persons. The Word is mentioned in *Mat. Paris. Anno 1258. Sicque facta est pax dispersi praeconibus quos Bedeweros vocant.*

**Belerium**, the same with *Antivestaum*.

**Belgae** i. e. the Inhabitants of *Somersetshire, Wiltshire, and Hampshire.*

**Belisama fluvius**, *Rhebel*, in *Lancashire.*

**Bellum**, The old customary way of Trial by Arms, Duel, or Combat. See *Camp-fight.*

**Belundita**, for *Widowita*, i. e. an Amerciaement for shedding Blood. *Leg. H. 1. c. ult. Qui vulnus alicui faciet, in cooperto, in rudo, pro singulis unciiis 10 denar. & remaneat de ceteris ictibus & belunditis, & wita domino decadat, si sanguis decadat.*

**Benefice**, *Beneficium*, Is generally taken for all Ecclesiastical Livings, be they Dignities, or other. And *Anno 13 R. 2. Stat. 2. cap. 8. Benefices* are divided into Elective, and of Gift. In the same Sense it is used also in the Canon Law. *Duarenus de Beneficiis, lib. 2. c. 3.* The Portions of Land, and other immoveable Things, granted by the Lords to their Followers, for their Stipend or Maintenance, were at first called *Munera*, while revocable at the pure Pleasure of the Lord: They were after called *Beneficia*, while Temporary, or held for some limited Time, which was commonly one Year. But when by Degrees these Tenures from an arbitrary Condition became perpetual and hereditary, then they left their former Name of *Beneficia* to the Livings of the Clergy, (they being Temporary for Term of Life) and retained to themselves the proper Names of *Feuds*, whereby they were produced to perpetual and hereditary. *Vid. Spelman of Feuds, cap. 2.*

**Beneficio primo ecclesiastico habendo**, Is a Writ directed from the King to the Chancellor or Lord Keeper, to bestow the *Benefice* that first shall fall in the King's Gift, above or under such a Value, upon this or that Man. *Reg. Orig. fol. 307. b.*

**Beneficium** was an Estate in Land at first granted for Life; and it was called *Beneficium*, because it was held *ex mero Beneficio* of the Donor. These Tenants were bound to swear Fealty to the Donor, and to serve him in the Wars: They were only *Usufructuaries* at first, and no more; and most commonly such Estates were given to military Men, that they might be more firmly bound to perform Military Services. At length, by the Consent of the Donor or his Heirs, these Estates were continued to the Posterity of the Donee, subject to the same Services as before. And those which were given by Kings, were called *Regalia Beneficia*. But sometimes such *Benefices* were given to Bishops and Abbots, subject also to the like Services, viz. to provide Men to serve in the Wars; and when they, as well as the Laity, had obtained a Property in these Lands, they were called *Regalia*, which upon the Death of a Bishop returned to the King till another was chosen. Thus we read in *Randolphus de Diceto, Anno 1093. viz. That W. 2. commanded that the City of Canterbury, which Archbishop Lanfrank held of him in Beneficio, and that the Abbey of St. Albans, which was enjoyed by him and his Predecessors, should for the Future be held by Archbishop Anselme in Alodium Ecclesie Cantuarie perpetuo jure.* And thus began Feodatory Estates, which we now call Fee-simple.

**Benefit of the Clergy.** See *Clergy.*

**Benefith**, Was a Service which the Tenant rendered to his Lord, with his Plough and Cart. *Lamb. Itin. p. 412. and Coke on Littleton, p. 86. a.* Sometimes called *Benryden*, and *Beryrden.*

**Benevolence**, *Benevolentia*, is used both in the Chronicles and Statutes of this Realm, for a voluntary Gratuity given by the Subjects to the King. *Stow's Annals, pag. 701.* By the Statute *Anno 1 R. 3. cap. 2.* it is called a new Imposition, and in that respect found Fault with. But *Stow. p. 791.* saith, The Invention grew first from Edward the Fourth's Days: You may find it also *An. 11 H. 7. c. 10.* to have been yielded to that worthy Prince, in regard of his great Expences in Wars and otherwise: See *Coke's 12 Rep. fol. 119, 120.* It is also mentioned, and excepted out of the Pardon, *1 E. 6. cap. 15.* Other Nations call it *Subsidium Charitativum*, given sometimes to Lords of the Fee by their Tenants, sometimes to Bishops by their Clergy. *Matthaus de afflictis desicis, 136. Cassan. de consuet. Burg. p. 134, 136. Baldus, consilio, 120. vel. 6. p. 230.* Of this *Menochius* makes Mention, *lib. 2. cent. 2. cap. 178.* and 179. Also by Act of Parliament, *13 Car. 2. cap. 4.* it was given to King Charles the Second.

**Benevolentia Regis habenda**, The Form in ancient Fines and Submissions to purchase the King's Pardon and Favour, in order to be restor'd to Estate, Title or Place. — Thomas de S. Walerico dat Regi mille marcas, pro habenda Benevolentia Regis, & pro habendis terris suis unde Disseisus fuit. *Paroch. Antiquities, p. 172.*

**Benones.** High-Cross.

**Benrip**, Tenentes de Whitborn in Com. Heref. debent pro quadam consuetudine qua vocatur Benrip, viz. pro quinque operationibus in Termino Beati Michaelis, 5d. *Lib. niger Heref. See Bedrepe.*

**Berbicage**, (*Berbiagium*) Nativi Tenentes Manerii de Calistoke reddunt per an. de certo reddito vocat. *Berbicage, ad le Hokeday 19 s. M. S. Survey of the Duchy of Cornwall.*

**Berbicaria**, a Sheep-Down, or Ground to feed Sheep. *Leges Aluredi, cap. 9. Et quod de Berbicaria, &c.* Sometimes 'tis written *Berberia*, as in *Mon. Angl. Tom. 1. pag. 308.*

**Bercaria**, *Berqueria*, *Berceria*, a Sheep-fold, Sheep-cote, or Sheep-pen, or other Enclosure for the safe keeping of Sheep. Abbreviated from *Barbicaria*, from *Berbex*, detorted from *Vervex*. Hence the Middle-aged Latin *Berbicus*, a Ram, *Berbica*, an Ewe; *Caro Berbecina*, Mutton. *Berbicarius*, *Bercarius*, Fr. *Berger*, a Shepherd. *A. D. 1218. James le Bret of Brigenhall*, gave four short Ridges or Butts of Land to the Priory of *Burcester*, — ad faciendam Berkeriam, five quicquid eis melius placuerit. — *Paroch. Antiq. p. 187. John de Charlton*, and *Christian* his Wife, gave to the Abbey of *Oseney*, a Piece of Land in *Hokerorton*, upon which stood the *Berchery of Sutton*, *Ibid. p. 348.* In *Domesday Book* it is written *Berqueria*. *Co. 2 Inst. fol. 476. Mandatum est Roberto de Lexington, quod Abbati de Miraval faciat unam Bercariam in pastura de Fairfield ad oves custodiendas. Claus. 9 H. 3. m. 12. Dedit sexaginta acras terra ad unam Bercariam faciendam. Mon. Angl. tom. 2. fol. 599.* where it seems to signify a Sheep-walk or Pasture.

**Berefellarii**, i. e. *Permerdati*. There were seven Churchmen, so called anciently, belonging to the Church of *St. John of Beverley*. — Sed quia eorum turpe nomen Berefelliorum patens ritui remanebat, dictes septem de cetero non Berefellarios,

*sed Personas volumus nuncupari. Pat. 21 Ric. 2. par. 3. m. 10. per Inspex.*

**Berefreit**, or **Berefreed**, a great wooden Tower. *Videns autem Rex se non ut disposuerat proficere, ligneam turrim, quam Berefreit vocant, erexit. Simeon Dunelm. anno 1123.*

**Beregafol**, i. e. a Tribute of Barley; from the Sax. *Bere, bordeum, and Gafol, tributum.*

**Berewicha**; *Iste sunt Berewichæ ejusdem manerii. Domesday.* Villages or Hamlets belonging to a Manor. See *Berwica*.

**Berewis**. See *Berwica*.

**Berghmayster**, vulgarly **Barmafter** and **Barmer** (from the Sax. *berg, Mons*; *quasi, Master of the Mountain*) *Præfectus seu Curator fodina.* A Bailiff or chief Officer among our *Derbyshire Miners*, who among other Parts of his Office, does also execute that of *Coroner* among them. — *Furatores dicunt, quod in principio quando Mineratores veni-*

*unt in campum mineras quærentes, inventa minera, venient ad Balivum qui dicitur Berghmayster. & petent ab eo duas Metas, si sit in novo campo, & habebunt unam, scil. pro inventionem, & aliam de jure Mineratorum, & unaquæque meta continet quatuor Perficatas, & ad foveam suam septem pedes, & unaquæque Perficata erit de 24 pedibus, &c. Esc. de An. 16 E. 1. num. 34. See Bergmote, and Sir J. Pettus his Fodina Regales. The Germans call a Mountaneer, or Miner, a Bergman.*

**Bergmote** or **Berghmote**, vulgarly **Barmote**. — *Furatores dicunt etiam quod Placita del Bergmote debent teneri de tribus septimanis in tres septimanas super mineram in Pecco. Esc. 16 Ed. 1. ut supra.* This **Bergmote** or **Berghmote**, comes from the Saxon *berg, i. e. Mons*, and *mote* or *gemote*, *conventus*: *Quasi, the Court held upon a Hill, for deciding Pleas and Controversies among the Derbyshire Miners*; of which, thus Mr. *Manlove*, in his ingenious Treatise of their Customs.

- *And Sute for Oar must be in Berghmote Court,*
- 3 Edw. 6. *Thither for Justice Miners must resort:*
- Art. 9. *If they such Sutes in other Courts commence,*
- 3 & 4 Ph. & Ma. Art. 16. *They lose their due Oar-debt, for such Offence;*
- And must pay Costs; because they did proceed Against their Custom: Miners all take heed.*
- 3 Ed. 6. *No Man may sell his Grove, that's in contest,*
- Art. 20. *Till Sute be ended; after the Arrest*
- 3 & 4 Ph. & Ma. Art. 26. *The Seller's Grove is lost by such Offence,*
- The Buyer fined, for such Maintenance.*
- 16 Ed. 1. c. 2. *And two great Courts of Berghmote ought to be*
- 3 Ed. 6. Art. 10. *In every Year upon the Minery,*
- To punish Miners that transgress the Law,*
- 3 & 4 Ph. & Ma. Art. 19, 30, & 33. *To curb Offenders, and to keep in awe*
- Such as be Cavers, or do rob Mens Coes;*
- Such as be Pilferers, or do steal Mens Stows;*
- To order Grovers, make them pay their Part,*
- Join with their Fellows, or their Groves desert;*
- To fine such Miners, as Mens Groves abuse,*
- And such as Orders to observe refuse;*
- 3 & 4 Ph. & Ma. Art. 31. *Or work their Meers beyond their Length and Stake;*
- Or otherwise the Mine and Rake;*
- Or set their Stows upon their Neighbour's Ground,*
- Against the Custom, or exceed their Bound:*
- Ibid. Art. 4. 3. *Or Purchasers, that Miners from their way*
- To their Wash-troughs do either stop or stay;*
- Or dig or delve in any Man's Bing-place;*
- 26 Edw. 1. cap. 2. *Or do his Stows throw off, break, or deface;*
- 3 & 4 Ph. & Ma. Art. 28. *To fine Offenders, that do break the Peace,*
- Or shed Man's Blood, or any Tumults raise;*
- Or Weapons bear upon the Mine or Rake;*
- Or that Possession forcibly do take;*
- Or that disturb the Court, the Court may fine*
- For their Contempts (by Custom of the Mine)*
- And likewise such as dispossessed be,*
- And yet set Stows against Authority;*
- Or upon leave their Shafts, or Groves, or Holes,*
- By which Men lose their Cattle, Sheep, or Soules.*
- And to lay Pains, that Grievance be redrest,*
- To ease the Burdens of poor Men oppress.*
- To swear Berghmaysters, that they faithfully*
- Perform their Duties on the Minery;*
- And make Arrests, and eke impartially*
- Impanel Jurors, Causes for to try;*
- And see that Right be done from Time to Time*
- Both to the Lord, and Farmers on the Mine.*

**Beria**, **Bervia**, **Berie**, **Berry**. Most of our Glossographers in the Names of Places, have confounded the Termination of *Berie*, with that of *Bury*, and *Borough*, as if the Appellative of ancient Towns. Whereas the true Sense of the

Word *Beria*, Eng. *Berie*, is a flat wide Campagne, as from sufficient Authorities is proved, by the Learned *Du Fresne* in his Glossary, in voce *Beria*, and in his Notes on the Life of St. *Lewis*, p. 89. where he observes, That *Beria Sancti Edmundi*, men-



mention'd by *Mat. Paris. sub. an. 1174.* is not to be taken for the Town, but for the adjoining Plain. To these and other his Remarks on that Word, may be added, That many flat and wide Meads, and other open Grounds, are still called by the Name of *Beries*, and *Berie-fields*. So the spacious Mead between *Oxford* and *Isley*, was in the Reign of King *Atbelstan* called *Bery*. *B. Twine, MS. c. 2. pag. 253.* As now the largest Pasture-Ground in *Quarendon, Com. Buck.* is known by the Name *Bery-Field*. And such indeed were the *Berie Meadows*, which tho' Sir *Henry Spelman* interprets to be the *Demefne-Meadows*, or *Manor-Meadows*, yet were they truly any flat open Meadows, that lay adjoining to any Vill or Firm. The same with *Berras*, in that Plea between the Bishop and Prior of *Carlisle*, 18 E. 1. & quod Rex in foresta sua pradicta, (scil. de *Ingleswood*) potest Villas edificare, Ecclesias construere, *Berras* assartare, & Ecclesias illas cum decimis terrarum illarum pro voluntate sua cuiunque voluerit conferre; where *berras assartare*, must be to assart or plough up the plain open Heaths, or Downs. Hence the Termination of many Places, situate in a more open Campagne; as *Mixberie, Cornberie, &c.*

*Berkshire.* See *Atrebatii*.

*Bernagium.* See *Brenagium*.

*Bernet*, (Incendium from the Sax. *byrnan*, to burn) is one of those Crimes, which, by *Henry the First's Laws, cap. 13. emendari non possunt*: It signifies *Domus combustio*, according to *MS. Bibl. Cotton. Tit. Vitellius. C. 9.* Sometimes it signifies any capital Offence. *Leges Canuti apud Brompt. c. 90. Leg. H. 1. c. 12. 47.*

*Berofitt*, in *Domesday* is used for *Berkshire*.

*Berquaria.* See *Berbicaria* and *Bercaria*.

*Berquarii* and *Bercarii*, Shepherds. *Domesday.* See *Bercaria*.

*Berre*, A plain open Heath. *Berras assartare*, to grub up such barren Heaths. *Pet. in Parl. 18 Ed. 2.* See *Beria*.

*Berrithatch*, In the Court-Rolls of the Manor of *Chaton, in Com. Somers.* is used for Litter for Horses.

*Berruich*. *Habet Rex Edwardus unum manerium Derbie nominatum cum sex Berruich.* See *Berwica*.

*Bersa*, Fr. *Bers*, A Limit, Compass, or Bound. — *Pasturam duorum taurorum per totam Bersam, in Foresta nostra de Chipenham. Monit. Angl. Tom. 2. fol. 210. a. A Park-Pale.*

*Bersere*, To shoot; Germ. *Bersen*. — *Bersare in Foresta mea ad tres arcus. Carta. Ran. Com. Cestr. An. 1218, i. e. To hunt or shoot with three Arrows in my Forest. Bersarii* were properly those that hunted the Wolf from the Sax. *Bers*, a Wolf.

*Bersattric* (from the Fr. *Berceer*, to rock) a Rocker. *Rex — Sciatis quod pro beno servitio, quod dilecta nobis Matilda de Plumton, Bersatrix Edwardi Comitis Cestria, filii nostri carissimi, eidem filio nostro impendit, Concessimus eidem Matilda decem marcas percipiend. singulis annis ad Scaccarium nostrum, &c. Pat. 10 Edw. 3. pag. 1. m. 30.*

*Bersellet*, *Berselletta*, A Hound. — *Ad bersandum in Foresta cum novem arcubus, & sex berselletis. Cart. Rog. de Quincy.*

*Berton* (*Bertona*, from the Sax. *Bere, borreum, & Ton, villa*) Est area in averfa parte adium ruralium primariarum, in qua borrea, stabula & cilliorii officii edificia sita sunt, in qua foventur domestica animalia & negotiationes rustica peraguntur. — *Rex*

*Theaurario & Baronibus suis de Scaccario salutem. Quia volumus quod Castrum nostrum Gloucestria, necnon & Tina & Bertona Glouc. corpori dicti Comitatus nostri Glouc. annectantur, &c. Claus. 32 E. 1. m. 17.* It comes from the Saxon *Bere*, which signifies Barley, and from thence comes *Bern*, a Barn, i. e. *Bere-ern*, a Place for Barley; and *Beresfor*, a Barn-floor; and so *Barton*, which signifies a Farm, and is always distinct from a Manor.

*Bertonarii.* — *Cum Bertona terris & tementis, qua Bertonarii modo tenent ad voluntatem. Charta Johannis Episc. Exon. dat. 24 Dec. Anno 1337.* Doubtless these were such as we now call Farmers, or Tenants of *Bertons*, Husbandmen, that held at the Will of the Lord. In *Devonshire* they call a great Farm or Mansion, a *Berton*; a small Farm, a *Living*.

*Berwice*, A Hamlet, or Village appurtenant to some Town or Manor; often found in *Domesday*; from the Sax. *Berewica*, a Corn-Farm: *Manerium minus ad majus pertinens; non in gremio Manerii, sed vel in consinio vel disjunctius interdum situm est.* *Spelman.* So in the Donation of *Edward the Confessor*, *Tothill* is called, *The Berwick of Westminster.* *Cam. Brit. fol. 816.*

*Berwik* upon *Tweed*. See *Bercotiens* and *Tuesis*.

*Bery* or *Bury*, The Vill or Seat of a Nobleman, a Dwelling-house, a Mansion-house, or Court, a chief Farm. From the Sax. *Beorg*, which signifies an Hill or Cattle; for heretofore their Seats were Castles situate on Hills, of which we have still some Remains. The chief House of a Manor, or the Lord's Seat, is still so called in some Parts of England; as in *Herefordshire* there are the *Beries* of *Stockton, Luston, Hope, &c.* Anciently used also for a Sanctuary.

*Besaitr*, *Proavus*, is borrowed of the French *Bysayeule*, (i. e. *Pere de mon Pere-grand*) the Father of my Grandfather. In the Common Law it signifies a Writ, that lieth where the Great Grandfather was seized in his Demefne as of Fee, of any Lands or Tenements in Fee-simple, the Day that he died; and after his Death, a Stranger abateth or entreth the same Day upon him, and keepeth out his Heir, &c. The Form and Use of this Writ is more at large to be read in *F. N. B. fol. 221.*

*Besia*, a Spade or Shovel; derived from the French *besier, fodere*, to dig. Hence perhaps *Una bescata terra inclusa. Mon. Ang. p. 2. fol. 642.* may signify a Piece of Land usually turned up with a Shovel or Spade, as Gardiners use to fit their Grounds, to sow and plant in.

*Bestials*, Cometh of the French *Bestials*, which is *pecus*, Beasts of any Sorts. *Anno 4 E. 3. cap. 3.* it is written *Bestayle*, and taken to denote all Kinds of Cattle, purvey'd for the King's Provision. It is also mentioned, to signify all Kinds of Cattle, in *12 Car. 2. c. 4.*

*Betaches*, — *Et Hibernicos sic admissos ad legem pradictam more Anglicorum pertractari mandamus jure nostro & aliorum dominorum in bonis & catallis Nativorum, qui vulgariter in illis partibus Betaches nominantur, i. e. Laymen using Glebe-Lands. Par. 14 Ed. 2. p. 2. m. 21. intos.*

*Bethugabel.* See *Bagavel*.

*Beberches*, Bed-works, or Customary Services done at bidding of the Lord by his inferior Tenants. — *Inter Servitia customaria Tenentium in Blebury, de dominio Abbatis & Conventus Rading — pradictus Abbas habebit de eis duas precarias carucarum per annum, que vocantur Beverches, & cum qualibet*

*qualibet carruca duos homines qualibet die ad prandium Abbatis.* Cartular. Rading. MS. f. 213.

**Bidale**, or **Bidall**, Is the Invitation of Friends to drink at some poor Man's House, who thereby hopes to receive some assistant Benevolence from the Guests for his Relief; still in Use in the West of England, and falsely written by some *Bildale*, and mentioned 26 H. 8. c. 6. The same is used also in the County Palatine of *Chester* by some Persons of Quality, towards the Relief of their own or Neighbours poor Tenants.

**Bidding** of the **Beads**, Was a Charge or Warning that the Parish Priest gave to his Parishioners at certain special Times, to say some particular Prayers, or do other Acts of Devotion, in behalf of some deceased Friend's Soul; in Imitation of which, the Ministers of the Church of England are commanded by the Canons on the Sunday precedent, to give Notice of or *bid* the Festivals in the following Week, that the Parishioners may the better observe them; this is mentioned 27 H. 8. c. 26. we may easily find *bidding* in the Sax. Words *bidden*, to pray or desire; and *bead*, a Prayer.

**Bidenter**, Two Yearlings, Tags or Sheep of the second Year — *Will. Longespe, A. D. 1234.* granted to the Prior and Canons of *Burcester*. —

*Pasturam ad quinquaginta bidentes, cum dominicis bidentibus meis ibidem pascendis.* Paroch. Antiq. p. 216. The Wool of these Sheep being the first sheering, was sometime claimed as a *Heriot* to the King, on the Death of an Abbat.

**Bidripe**, *Bidripa*. See *Bederipe*.

**Biduana**: i. e. a Fasting for the Space of two Days. 'Tis mentioned in *Matt. West. p. 135*, and in *Flor. of Worcester p. 631*. *Biduanas faciant omnes Episcopi & Monachi, &c.*

**Biga**, **Bigata**, Properly a Cart with two Wheels, and not as some have offered, a Chariot drawn with coupled Horses; these Words have it sufficiently, *Et quod eant cum Bigis & carris cum ceteris phaleris, &c. super Tenementum suum, &c.* Mon. Angl. f. 256. b. This **Biga**, or Cart with two Wheels, was drawn sometimes with one Horse, a more express Refutation of the above-mentioned Conjecture. King *Hen. 3.* confirmed to the Priory of *Repingdon Com. Derb.* *unam bigam cum unico equo semel in die in bosco suo de Tikenhall errantem, ad focale ad usus suos proprios portandum.* Mon. Angl. tom. 2. pag. 280.

**Bigamus**, Is any Person that hath at several Times married two or more Wives, successively after each other's Death, or a Widow; as appears by the Statutes, 18 E. 3. c. 2. 1 Ed. 6. c. 12. 2 part. Co. Inst. fol. 273.

**Bigamy**, **Bigamia**, Signifies a double Marriage, being a compound Greek Word; it is used in Common Law, for an Impediment that hindreth a Man to be a Clerk, by reason he hath been twice married, 4 E. 1. 5. which seems to be grounded upon the Words of St. Paul to Timothy, *Epist. 1. c. 5. vers. 2. Oportet ergo Episcopum irreprehensibilem esse, & unius uxoris virum.* The Canonists have founded their Doctrine upon this, That he that hath been twice married may not be a Clerk: And him that hath married a Widow they reckon to have been twice married. Both which they do not only exclude from Holy Orders, but also deny them all Privilege that belongs to Clerks. But the Author of the new Terms of the Law saith, This Law is abolished by 1 E. 6. 12. and to that may be added, 18 Eliz. c. 7. which alloweth to all Men that can read as Clerks, tho' not

within Orders, the Benefit of Clergy, even in Case of Felony; not especially excepted by some other Statute. So is *Brook, Tit. Clergy, plac. 20.* to the same Purpose.

**Bigot** is a Compound of several old English Words, and signifies an obstinate Person, or one who is wedded to this Opinion. *Rolls*, the first Duke of *Normandy*, refused to kiss the King's Foot, unless he held it out to him for that Purpose; it being a Ceremony used in Token of Subjection for that Dukedom, with which the King at that Time invested him: Those who were present taking Notice of the Duke's Refusal, advised him to comply with the King's Desire, to which he answered them, *Nese Bigot*, upon which he was in Derision called *Bigot*; and the *Normans* are still so called.

**Bilagines**. See *By-Laws*.

**Bilancius deferensis**, Is a Writ directed to a Corporation, for the carrying of Weights to such a Haven, there to weigh the Wools that such a Man is licensed to transport. *Reg. Orig. fol. 270. a.*

**Bilawg**, or rather **By-Lawg**, Lat. *Bilagines*. So called by the *Goths*, the *Swedes*, the *Danes* and *Saxons*; from *By*, which in all those Languages signifies a Town; and *Lagb* or *Laghen*, which signifies Laws; as *Gravius, Suecus*, and our *Saxon* Authors testify: And though *Formandes*, a Spanish Goth writeth it after the Spanish Corruption, *Belagines*: Yet we in England keep the very Radix and Word it self *By-Laws*. Vid. *Spelman. of Feuds. c. 2.* *Bylaws* are Laws made *obiter*, or by the *By*; such as are made in Court-Leets, or Court-Barons, for the peculiar Good of those that make them, farther than the Common or Statute Law doth bind. The like are generally allowed by Letters Patent of Incorporation to any Guild or Fraternity, for the better Regulation of Trade among themselves, or with others. *Co. vol. 6. f. 63. a. Kitchen, fol. 45. 79.* These in Scotland are called *Burlaw* or *Birlaw*. *Skene de verb. signif. verb. Burlaw*, Which, saith he, are Laws made and determined by Consent of Neighbours, elected and chosen by common Approbation in the Courts called *Birlaw-Courts*, where they take Cognizance of Complaints between Neighbour and Neighbour; which Men so chosen, are Judges and Arbitrators to the Effect aforesaid, and are called *Birlaw-men*; for *Bawr* or *Bawrsmen* in Dutch is *Rusticus*, and so *Birlaw* is no other, but *Leges Rusticorum*. By 14 Car. 2. cap. 5. the Wardens and Assistants for making and regulating *Norwich* Stuffs, are impowered to make *By-Laws*. See 20 Car. 2. c. 6.

**Bilinguis**, In general is a Man of a double Tongue; but in a legal Sense, is used for a Jury that passeth in any Case between an *Englishman* and an *Alien*, whereof Part ought to be *Englishmen*, and Part Strangers. 28 E. 3. c. 13. This we call vulgarly a *Party-Jury*; but in proper Language, it is a *Jury de medietate linguae*. See *Medietas Linguae*.

**Bill**, **Billa**, Hath several Significations in Law. First, according to *West. Symb. p. 1. lib. 2. sect. 146.* It is all one with an Obligation, saying that it is commonly called a *Bill*, when in *English*; and an Obligation, when in *Latin*. But now by a *Bill* we ordinarily understand a single Bond, without a Condition; by an Obligation, a Bond with a Penalty and Condition: *West. part. 2. Symbol. Tit. Supplications, sect. 52.* Secondly, a *Bill* is a Declaration in Writing, that expresseth either the Wrong

Wrong the Complainant hath suffered by the Defendant, or else some Fault that the Party complained of hath committed against some Law or Statute of the Common-wealth. Such Bill is sometimes exhibited to Justices *Itinerant*, at the General Assises, by way of Indictment, or Information; but more especially to the Lord Chancellor or L. Keeper, for unconscionable Wrongs done. Sometimes it is preferred to others having Jurisdiction, accordingly as the Law, whereupon they are grounded, doth direct. It containeth the Fact complained of, the Damages thereby suffered, and Petition of Process against the Defendant for Redress. See more in *West. Symb.* part 2. Tit. *Supplications*.

**Billā vera**, Is a Term of Art in the Common Law: For the Grand Inquest impanelled, and sworn before the Justices in *Eyre*, &c. indorsing a Bill, whereby any Crime punishable in that Court, is presented unto them, with these two Words, which do signify thereby, That the Presentor hath furnished his Presentment with probable Evidence, and worthy of farther Consideration: And thereupon the Party presented, is said to stand indicted of the Crime, and so bound to make Answer unto it, either by confessing or traversing the Indictment: And if the Crime touch the Life of the Person indicted, it is yet referred to another Inquest, called the Jury of Life and Death; who, if they find him guilty, then he stands convicted of the Crime, and is by the Judge to be condemned to Death. See *Ignoramus*. See also *Indictment*.

**Billeta**, *Billetus*, A Bill or Petition exhibited in Parliament. — *Sic responsum fuit ad billetam quam proposuimus in Parlamento London.* Consuetud. domus de *Farendon*. MS. f. 48. So *Tenor Billeti porrecti coram Concilio Domini Regis*, — *supplicat Abbas de Bello loco Regis*, &c. Ib. fol. 43.

**Bill of Stowe**, Is a Kind of Licence granted at the Custom-house, to Merchants, to carry such Stores and Provisions as are necessary for their Voyage, custom-free.

**Bill of Sufferance**, Is a Licence granted at the Custom-house to a Merchant, to suffer him to trade from one English Port to another, without paying Custom. *An. 14. Car. 2. cap. 11.*

**Billets of Gold**, Are Wedges or Ingots of Gold: The Word is derived from the French *Billot*, *Massa Auri*. 27 E. 3. Stat. 2. c. 14.

\* **Billot**, *Billb*, *Billonis*, Bullion of Gold or Silver in the Mass before it is coin'd. — *Volumus quod utrumque argentum billonis, & transmarinum ematur ad libram Scaccarii, retentis ad opus nostrum pro custubus & expensis, & firma nostra sexdecim denariis de argento de Gandavo.* Mem. in *Scaccar.* Term. Mich. 9 Edw. 1. by Sir *John Maynard*.

**Billus**, A Stick or Staff, which in former Times was the only Weapon for Servants. *Leg. H. 1. cap. 70. Si liber servum occidat, reddat parentibus 42 mullas & unum billum mutilatum domino servi pro manibota*: And cap. 78. *Si quis in servum transeat, in signum hujus transicionis billum vel strubum, vel deinceps ad hunc modum servitutis arma suscipiat, & in manum Domini mittat*.

**Bind of Eels**. See *Stick of Eels*.

**Binithenenden**. This is enumerated among the Privileges granted to the Monastery of *Glastonbury* — *Soc & Sat, border, bovensden, & binithenenden, on Strond and on Streyme.* Cartular. Abbat. *Glaston*. MS. f. 87. a.

**Binnarium**, *Binna*, *Benna*, A Stew, or Water penn'd up for feeding and preserving Fish. — *Expense in pisce ad instaurandum binnarium empto xii s. Vid. consuetud. Dom. de Farendon, MS. f. 29.* — *Provisum est quod nullus magnus vel parvus currat in parco alieno, aut piscetur in alterius binnario.* — Stat. Ed. 1. Anno Regni tertio, apud *West*.

**Binnyp Pepper**, Anno 1 Jac. cap. 19.

**Binobium**. *Binchester*.

**Biathanetus**, One who deserves to come to an untimely End: *Ordericus Vitalis*, writing of the Death of *Will. Rufus*, who was shot by *Walter Tyrrell*, tells us, That the Bishops considering his wicked Life and bad End, thought him *Ecclesiastica veluti Biathanetum absolute indignum*. Lib. 10. p. 782.

**Bipertisocum**. See *Jocum partive*.

**Birlaw**. See *Bilaw* and *Byrlaw*.

**Birretus**, The Cap or Coif of a Judge, or Serjeant at Law. The honourable Use of it is thus described by *Fortescue*, *De Laud. Leg. Angl.* cap. 50. *In signum quod omnes Jusficiarii ibi taliter extant graduati, quilibet eorum semper utitur, dum in Curia Regis sedet, Birreto albo de serico, quod primum & precipuum erat de Insignibus Habitus quo Servientes ad Legem in eorum creatione decorantur. Nec Birretum istud Jusficiarius, sicut nec Serviens ad Legem, unquam deponet, quo caput suum in toto discooperiet etiam in presentia Regis, &c.* *Spelman*.

**Bisacuta**, An iron Weapon cutting on both Sides: *Fecit eidem unam plagam mortalem de quadam bisacuta.* *Fleta*. Lib. 1. cap. 33.

**Bisaunt**, *Bisantin*, *Besant*, *Bizantine*, *Bisantium*: A Piece of Money coined by the Western Emperors at *Bizantium* or *Constantinople*; of two Sorts, Gold and Silver, *Bizantius aureus & albus*: Both which were current in *England*. *Chaucer* represents the Gold *Besantine* or *Besant*, to have been equivalent to a Ducat. The Silver *Besantine* was computed generally at two Shillings.

**Bi-scot**. 9 Edw. 3. At a Sessions of Sewers held at *Wigenhale* in *Norfolk*, it was decreed, That if any one in those Parts of *Marchland*, should not repair his Proportion of the Banks, Ditches and Cawleys, by a Day assigned, 12 d. for every Perch unrepaired (which is called a *Bilaw*) should be levied upon him. And if he should not by a second Day given him, accomplish the same; then he should pay for every Perch 2 s. which is called *Bi-scot*. *Hist. of Imbanking and Draining*, fol. 254. a.

**Bissa**, a Gall. *Bische*, *Cerva major*, A Hind. — *deciman venationis nostra, fil. de cervis bisis, damis, porcis & lais.* *Mon. Angl.* vol. 1. fol. 648. a.

**Bisextile**, *Bisextilis*, Vulgarly call'd Leap-year, because the sixth Day before the Calends of *March* is twice reckon'd, viz. on the twenty-fourth and twenty-fifth of *February*: So that the *Bisextile-year* hath one Day more than other Years, and happens every fourth Year: This intercalation of a Day was first invented by *Julius Caesar*, to make the Year agree with the Course of the Sun. And to prevent all Ambiguity that might grow thereupon, it is ordain'd by the Statute *De Anno Bisextili*, 21 H. 3. That the Day increasing in the Leap-year, and the Day next before, shall be accounted but one Day. *Britton*. fol. 209. and *Dyer* 17 *Eliz.* 345.

**Bisug**, *Bisius*, *Mica Bifa*, *Panis bisus*; Gall. *Pain-bis*, *Angl.* *Brown-bread*, a *Brown-loaf*. —

*Abbas & Conventus Osen. concedunt Petro de Sibberford qualibet septimana septem parvas albas micas (i. e. seven small white Loaves) & septem bisas micas (i. e. seven brown Loaves) & quinque galones & dimid. melioris cervisie—Anno 1341.*  
 —Cron. Osen. Bib. Cotton, Vitell. E. 15. f.

247.

**Black-mail**, Is half *Englisch*, half *French*; for in *French Mail* signifieth a small Piece of Money. It denotes in the Counties of *Cumberland*, *Northumberland*, *Westmorland*, and the Bishoprick of *Durham*, a certain Rate of Money, Corn, Cattle, or other Consideration, paid unto some inhabiting near the Borders, being Men of Name and Power, ally'd with certain Moss-troopers, or Persons known to be great Robbers, and Spoil-takers within the Counties; to the End, to be by them protected, and kept in Safety, from the Danger of such as do usually rob and steal in those Parts. *Anno 43 Eliz. cap. 23.* See *Mayle*. These Robbers are of late Years call'd Moss-Troopers, and several Statutes made against them.

**Black-mail** also signifies the Rents formerly paid in Provisions of Corn and Flesh.

**Black-rents** (*redditus*) the same with *Black-mail*.

**Black-Rod**, or *Gentleman Usher of the Black Rod*, is Chief Gentleman Usher to the King. He is called in the *Black-Book*, fol. 255. *Lator virge nigra*, and *Hofiarinus*; and elsewhere *Virgi-bajulus*: His Duty is *Ad portandam Virgam coram Domino Rege ad Festum Sancti Georgii infra Castrum de Windsor*. He hath also the keeping of the Chapter-House Door, when a Chapter of the Order of the Garter is sitting; and in the Time of Parliament, attends on the House of Peers.

He hath a like a Habit with the Register of the Order, and Garter King of Arms; which he wears at the Feast of St. George, and all Chapters. He bears a Black Rod, on the Top whereof sits a Lion, Gold; which Rod is instead of a Mace, and hath the same Power and Authority. His Fees is now 30*l.* per Annum. This Officer hath been antiently constituted by Letters Patent under the Great Seal.

**Bladarius**, Used in our Records for a Corn-Monger, Meal-Man, or Corn-Chandler. *Pat. 1 Edw. 3. par. 3. m. 13.* See *Puleterius*.

**Blade** (*Bladum*, Fr. *Bled*) *Nostro foro, de segete tantum intelligitur, presertim etiam in herba. Spel.* But the Saxon *Bled* signifies more generally Fruit, Corn, Hemp, Flax, Herbs, &c. or the Branches or Leaves of Trees or Herbs, whilst they grow. *Universis—Will. de Mohun salutem, Sciatis me relaxasse & quietum clamasse Domino Reginaldo de Mohun fratri meo totum Manerium meum de Tor—Salvo mihi infrauro meo & blado, &c. (sine dat.) i. e. Excepting my Stock and Corn on the Ground. Hence Bladier is taken for an Ingrosser of Corn or Grain. Sciatis—quod ego Willielmus Alreton, consensu & voluntate Beatricis Uxoris meae, Dedi—Agatha Gille pro duabus Marcis Argenti & una mensura bladi, duas solidatas redditus in villa Leominstr. illas scil. quas Walterus de Luda solebat mihi reddere pro quadam terra qua est inter soldas Ade Talcurteis & Feodum Johannis Reading. habend. &c. (sine dat.) Ex libro Chartar. Priorat. Leominstræ.*

**Bladus**, A Sky-colour, *Mon. 3 Tom. pag. 170.*

**Blanch firmes**, In old Times the Crown-Rents, were many Times reserved in *Libris Albis*, or *Blanch Firmes*. In which Case the Buyer was

holden *Dealbare firmam*; that is, his base Money, or Coin worse than Standard, was molten down in the *Exchequer*, and reduced to the Fineness of Standard-Silver; or (instead thereof) he pay'd to the King twelve Pence in the Pound, by way of Addition. *Vid. Lownde's Essay upon Coin, p. 5.*

**Blanda**. See *Landa*.

**Blanhornum**, i. e. A little Bell, or rather *Ticinium*, viz. *Pecoris ticinium*, & *canis oppa* & *blanhornum*, *horum trium singulum est unum solidum valens*: From the Saxon *Blan*, *cessans*, & *Horn*, *cornu*. *Leg. Adelftan. cap. 8.*

**Blank Bar** is the same with what we call a *Common Bar*, and is the Name of a Plea in *Bar*, which in an Action of *Trespas* is put in to compel the Plaintiff to assign the certain Place where the *Trespas* was committed: It is most used by the Practisers in the Common Bench, for in the King's Bench the Place is commonly ascertained in the Declaration. *Croke, 2 Part. fol. 594.*

**Blank Farm**, A white Farm; that is, where the Rent was paid in Silver, and not in Cattle.

**Blanks**, *French Blanc*, that is *Candidus*, white; It signifies a kind of Money coined in the Parts of France by Henry V. that were subject to England, the Value whereof was eight Pence. *Stow's Annals p. 586.* These were forbidden to be current within this Realm. *2 Hen. 6. ca. 9.* The Reason why they were called *Blanks*, may be, because, at the Time these were coined in France, there was also a Piece of Gold coined, which was called a *Salus*, of the Value of 1*l.* 2*s.* from which this Silver was distinguished by the Colour.

**Blasarius**, an Incendiary.

**Blatum**, *Bullness*, in *Cumberland*.

**BLE** with a single *e* signifies Sight, Colour, &c. With a Double *e*, it signifies Corn. At Boughton under the Blee. *Ch. fol. 54.*

**Blench**, Is the Title of a Kind of Tenure of Land, as to hold Land in *Blench*, is by Payment of a Sugar-Loaf, a Bever-Hat, a Couple of Capons, and such like; if it be demanded in the Name of *Blench*, *id est, nomine alba firma*. See *Alba firma*.

**Blestium**, Old Town, in *Herefordshire*.

**Bleta**, *French Bletche*: *Pete*, or combustible Earth, dug up and dried for burning. — *Minister & Fratres de Knares-borough, petunt quod ipsi & eorum Tenentes fodiant turbas & bletas, in Foresta de Knares-borough. Rot. Parl. 35 E. 1.*

**Blunks**, Boughs broken from Trees, and cast in a Way where Deer are likely to pass.

**Blissom**. This is when a Ram goes to the Ewe: From the Teuton. *Bletz*, the Bowels or from *Bleten*, to accommodate. 'Tis corruptly called *Blossom* to this Day.

**Bloated Fish** or *Herring* (*Anno 18 Car. 2. c. 2.*) are those that are half-dry'd; perhaps from the Sax. *Blotan*, to kill and offer in Sacrifice.

**Blockwood**. See *Logwood*.

**Blodeus**, Sax. *Blod*, deep red Colour. Hence *bloat* and *bloated*, i. e. Sanguine and high-coloured; which in *Kent* is called a *Blousing* Colour, and a *Blouse* is there a Red-faced Wench. The Prior of *Burcester*, *A. D. 1425.* gave his Liveries of this Colour. — *Et in blodeo panno empto pro Armigeris & Valettis Prioris de Johanne Bandy, de magna Tue. Paroch. Antiq. p. 576.*

**Blodius**, a Sky-colour. *Mon. Angl. Tom. 3. pag. 170.*

**Blomary**, Is one of the Forges belonging to an Iron Mill, through which the Iron passeth before



before it cometh to the Finary. Of this you may read at large, 27 Eliz. cap. 19.

**Blondus**, see *Blundus*.

**Bloodshed**, *Blood-wit*, or the Fine imposed for shedding Blood.——*Mich. 7. H. 7. Willielmus Lucy Miles, remittit Domui & Ecclesie de Thelesford Toll, Quick, Stallange, & Bloodshed. Ex Cartular. Dom. de Thelesford. MS.*

**Bloodwit**, or *Bloodwite*, Is a Compound from the Saxon *Blod*, *Sanguis*, and *Wite*, an old English Word signifying *Misericordia*. It is often used in ancient Charters, and intends an Amerciament for Bloodshed. *Skene de verbor. signif. writes Bluidveit. Which says he, is in English as much as Injuria, or Misericordia. It being as the Scotchmen call it, an Unlaw for Wrong or Injury, as is the Effusion of Blood. For he that hath Bloodwit granted him, hath free Liberty to take all Amerciaments of Courts for shedding of Blood. Fleta saith, Quod signif. at quietantiam misericordie pro effusione sanguinis, lib. 1. cap. 47. Si aliqui pugnant ad invicem in Rudham, & extraxerint sanguinem, Prior habebit Bloodwit, i. e. Amerciamentum inde in Curia sua Ex Reg. Priorat. de Cockesford. Sax. blod, Blood, and wit, a Fine or Penalty; for Blodewite was a customary Fine paid as a Composition and Atonement, for the shedding or drawing Blood: For which the Place was answerable, if the Party were not discovered. And therefore a Privilege or Exemption from this Penalty was granted by the King, or Supreme Lord, as a special Favour. So K. Henry II. granted to all his Tenants, within the Honour of Wallingford, Ut quieti sint de hidagio, & blodewite & bredewite, — Paroch. Antiq. p. 114.*

**Blood-hand**. See *Backberind*. It signifies the Apprehension of a Trespasser in the Forest against Venision, with his Hands, or other Parts bloody, though he be not found chasing or hunting. Of which, see *Manwood, c. 18. num. 9.* In Scotland, in such like Crimes, they say, *Taken in the Fact, or with the Red Hand.*

**Blossom**, the same as *Blissom*, quod vide.

**Blubber**, A kind of Whale-Oil, so called before it is thorowly boiled; spoken of 12 Car. 2. cap. 18.

**Blue**, and *Bludie*, The Mark of a Wound or Bruise; what we now call Black and Blue, or, as red as Blood. *Lat. Blodeus: Si quis verberando aliquem fecerit Blue & Bludie, iste qui fuerit Blue & Bludie, prius debet exaudiri. Leg. Burg. Scot. cap. 87.*

**Bluet**, Blue.——*Vestimenta autem dabunt mihi de Griseng, vel balberget & pellibus agnitis, uxori autem mea ad carius bluet, & pellibus similiter, agnitis. Mon. Angl. tom. 1. f. 831.*

**Blundus**, One whose Hair is yellow, *Sicut pater suus tenuit tempore Regis Willielmi Blundi, meaning William Rufus. Du Fresne.*

**Bookbord**, Is, as it were, Book-board, or a Hoard for Books, that is, a Place where Books, Writings, or Evidences are kept: We may term it in Latin *Librorum horreum*. It is derived from Sax. *Bock*, *liber*, and *Hord*, *Thesaurus*.

**Bookland**, Sax. *quasi Bookland, terra hereditaria vel testamentaria*; a Possession or Inheritance held by Instruments in Writing. *Bockland vero ea possidendi transferendique lege coerceretur, ut nec dari licuit nec vendi, sed hereditibus relinquenda erat, in scriptis aliter permitteretur; Terra inde Hæreditaria nuncupata inter leges Aluredi, cap. 36. See Charter-land, Copyhold, Freehold, and Land-boc. See also Glossarium in decem Scriptores.* This was one of the Titles by

which the English Saxons held their Lands, and was always in Writing, and from hence called *Bockland*, which signifies *Terram Codicillariam*, or *Librariam*, Deed-land, or Charter-land. It commonly carried with it the absolute Inheritance and Propriety of the Land, and was therefore preserved in Writing, and possessed by the *Thanes*, or Nobler Sort, as *Pradium Nobile, Liberum, & immune a Servitiis vulgaribus & servilibus*: It was the very same as *Allodium* descendible (according to the common Course of Nations, and of Nature) unto all the Sons, and therefore called *Gavel-kind*; devisable also by Will, and thereupon called *Terra Testamentales*, as the *Thane* that possessed them, was said to be *Testamento dignus. Vid. Spelman of Fends, cap. 5.*

**Bodies Politick**. See *Corporation*.

**Bodvay**. See *Varis*.

**Boia**, Chains or Fetters, properly what we call *Bernicles*. *Quidam a dolore capitis liberatus est, adjungens gena sua boias, quibus S. Britstanus ligatus fuit. Hist. Elicn. apud Whartoni Angl. Sac. P. 1. p. 618.*

**Boilary**, or *Bullary of Salt*, A Salt-House, or *Salt-pit*, where Salt is boiled. *Co. on Lit. fol. 4. b.*

**Bolarium**. See *Belarium*.

**Boldagium**. See *Bolbagium*.

**Bolhagium**, A little House or Cottage, from the Sax. *Bold*, *Domicilium*.

**Bollis**, a Bowl. *Unum baculum processionale cum uno Bolle argenteo pro magna cruce imponenda. Mon. Angl. Tom. 2. pag. 666.*

**Bolmen**, Melling Corn or Bread: From the Sax. *Bold*, *Villa*, and *Mong*, *Miscella*; because Countrymen eat this Sort of Bread.

**Bolt**, A Bolt of Silk or Stuff, seems to have been a long narrow Piece.——In the Accounts of the Priory of *Burcester. A. D. 1425*——*Et in bolt rubei Say, apud Stererbrugge, propter anabutam faciendam iv fol. viii denar. Paroch. Antiq. p. 574.*

**Bolter**. See *Buttel*.

**Bolting**, Is a Term of Art used in *Grays-Inn*, whereby they intend private arguing of Cases; the Manner of it is this, An *Ancient* and two *Barrasters* sit as Judges; three Students bring each a Case, out of which the Judges chuse one to be argued, which done, the Students first begin and argue, and after them the *Barrasters*. *Bolting* hath also a more common Acception, which Country Housewives say is the Sifting of the Meal or Flour thro' a Bag, to make it finer; which Bag they call a *Bolter*: And why may not the Law Term be drawn hence? Because the *Bolting* of Cases is the thorough sifting and debating of 'em. It is inferior to *Mooting*, and may be derived from the Sax. *Bolt*, an House; because done privately in the House for Instruction. In *Lincoln's Inn*, in Vacation-Time, *Monday* and *Wednesday* are the *Bolting* Days; *Tuesday* and *Thursday* the *Moot*-Days; But in Term-Time, *econtra*.

**Bona fide**. We say, That is done *Bona fide*, that is done really, with a good Faith, without Fraud or Deceit. It is mentioned 12 Car. 2. 18. and 15 Car. 2. c. 5.

**Bona gestura**, Good Abearing, or good Behaviour.——*Et si per furorem vel aliquos maritantes renuerit invenire sufficientem securitatem de sua bona gestura erga Ballivos & Comburgenses — a predicto burgo ejiciatur. Codex MS. de LL. Statutis & Consuetud. Burgi Villæ Montgomer. fol. 15.*

**Bonaght**, or **Bonaghty**, An Exaction in *Ireland*, imposed at the Will of the Lord, for Relief of the Knights called *Bonaghti* who served in the Wars. *Antiq. Hib.* p. 60. *Cambden* in his *Brit. Tit. Desmond* says, that *James E. of Desmond* imposed upon the People those most grievous Tributes of Coin, Livery, Cocherings, *Bonaghty*, &c.

**Bona notabilia**, Are such Goods as a Party dying hath in another Diocese, than that wherein he dies, amounting to 5*l.* at least, which, whose hath, his Will must be proved before the Archbishop of the Province; unless by Composition or Custom, other Dioceses are authorized to do it, where *Bona notabilia* are rated at a greater Sum. Book of Canons. 1 *Fac. can.* 92, 93. *Perkin. sect.* 489. See Probate of Testaments.

**Bona Patria**, An Assise of Countrymen, or good Neighbours: Sometimes called, *Assisa bone Patria*, when twelve, or more, are chosen out of the Country to pass upon an Assise; and they are called *Furatores*, because they swear judicially in Presence of the Party. *Skene verb. Bona Patria. Vid. Assisors.*

**Boncha**, A *Bonch*, or *Bunch*. The Prior and *Bursar of Bistler, Com. Oxon. An.* 1425. account to the House, — *Et in duabus bonchis allii vi den.* — for two Bunches or Ropes of Onions 6*d.* *Fr. Junius* derives it from the Danish *Buncker*, the Tops of Hills. It seems rather from the old Latin *Bonna*, *Bunna*, a rising Bank, for the Term or Bound of Fields. Hence the Word *Bown* is used in *Norfolk*, for Swelling or Rising up in a Bunch or Tumour, &c.

**Bond**, **Bondage**, and **Bondmen**. See *Nativus*. *Bondmen* in *Domesday* are called *Servi*, and differed from *Villani*. — *Et de toto tenemento, quod de ipso tenet in Bondagio in Soca de Nertone cum pertin.* *Mon. Angl.* 3 par. f. 609. a.

**Bonda**, a Master of a Family.

**Bonis Arrestandis** is a Writ; which see in *Arrestandis Bonis*.

**Bonis non amobendis**, Is a Writ to the Sheriffs of *London*, &c. to charge them, that one condemned by Judgment in a Action, and prosecuting a Writ of Error, be not suffered to remove his Goods, until the Error be tried. *Reg. Orig. fol.* 131. b.

**Bonium**. *Bangor* in *Flintshire*.

**Booting**, or **Boing Corn**, Certain Rent Corn anciently so called; the Tenants of the Manor of *H.* in *Com. B.* heretofore paid the *Booting Corn*, to the Prior of *Rocheſter*, Antiquity of Purveyances, fol. 418. See *Bote*. Perhaps it was so called, as being paid by the Tenants, by way of *Bote* (*Boo* we still call it) or Compensation to the Lord, for his making them Leases.

**Bozovicum**, *Berwick* in *Northumberland*.

**Bozd**, a Jest, from the French *Bourde*, *fabula*.

**Bozda**, A Plank or Board. — *Rex Vicecom. Ebor. Salutem. Facias publice proclamari ne quis — maeremium aliquid, seu Bordas aliquas aptas pro navibus faciendis, extra regnum nostrum ad partes externas ducat, vel caviari faciat.* *Rot. Claus.* 10 Ed. 3.

**Bozdacii**, are Tenants that occupy Part of the Demesnes, which are called *Bordlands*.

**Bordagium**, The Tenure of *Bordlands*, which see; Item ordinatum est, quod omnes qui terras & tenementa tenent per *Bordagium*, habeant super singulis *Bordagiis*, quæ per prædictum servitium tenentur, capitalem quandam mansionem in loco ad hoc consueto. &c. *Ordin. Just. Itin. in Insula de Jersey.* This

was a Sort of Tenure which subjected a Man to the meanest Services. He could not sell his House without Leave of the Lord.

**Bozdare**, *Bordiare*, *Burdare*, To exercise the Feats of Arms in Juits, Tournaments, or other Military Sports. — *Nulli convenient ad turniandum, vel burdandum, nec ad alias quascunque aventuras.* *Assis. de Armis, An.* 36 H. 3. *Burdare* was more properly *burdonibus*, seu *sustibus* *dimicare*, to play at Cudgels. *Chaucer* uses the Word *Burdans*, for larger Sticks or Cudgels: The old French *bourdon*, is a Pilgrim's Staff. *Bordicia* were the solemn Challenges and Encounters at Quarter-Staff, Cudgel-Play, Back-Sword, &c. — *De torneamentis & bordiciis non tenendis.* — *Ne quis presumat torneare, vel bordiare.* *Lit. Claus.* 28 E. 1. m. 17.

**Bozdaria**, a Cottage: From the Saxon, *Bord*, *domus*. *Mon. Angl.* 1 *Tom. pag.* 37. cum 18 *servis*, 16 *villanis*, & 10 *Bordariis*, cum 60 *acris prati*.

**Bozdarii**, or **Bozduanni**, often occur in *Domesday*; by some esteemed to be Boors, Husbandmen, or Cottagers; which are there always put after Villains. *Dicuntur Bordarii vel quod in tuguriis (quæ Cottagia vocant) habitabant, seu villarum limitibus, quasi Bozderers.* *Spelm.* *Tenentes per servitia plus servilia quam villani, & qui tenent nisi paucas acras.* MS. But see *Bordlands*. Some derive it from the old Gall. *Bords*, the Limits or extreme Parts of any Extent: As the Borders of a Country, and the Borderers, Inhabitants in those Parts; whence the Border of a Garment, and to Imborder, which we corrupt to Imbroider. But our old *Bordarii*, *Bordmen*, were rather so called from Sax. *Bord*, a House. The *Bordarii* often mentioned in the *Domesday* Inquisition, were distinct from the *Servi* and *Villani*, and seem to be those of a less servile Condition, who had a *Bord*, or Cottage, with a small Parcel of Land allowed to them, on Condition they should supply the Lord with Poultry and Eggs, and other small Provisions for his *Bord*, or Entertainment.

**Bozdel**, Lat. *Bordellum*. At first it signified any small Cottage, which growing infamous for a licentious Ale-house, and the common Habitation of Prostitutes; thence by Degrees a *Bordel*, or by Metathesis a *Bozdel*; *Brothel* and *Brothel-house* came to signify a lewd Place, a Stews. From which *Femme-bordelier*, a common Whore. Hence in *Chaucer*, a *Borel-man*, Contraction of *Brothel-man*, a loose idle Fellow; and *Borel-folks*, Drunkards, and Epicures, which the Scotch now call *Burriel-Folk*. In the Dialogue between *Dives* and *Pauper*, Printed in *Lond.* 1493. — *Dives.* 'And I drede me that full oftēin by such feyres' 'Gooddes House is made a Tavern of Gluttons, ' and a *Bordel* of Leychours.

**Board-halfpenny**, (Sax. *Board*, *Tabula*, and *Halfpenny*, *Obolus*) is Money paid in Fairs and Markets for setting up Tables, Boards, and Stalls, for Sale of Wares. In antiquis Chartis multi immunes fiunt ab ista solutione, says *Spelman*. It is corruptly written, *Borthalpeny* and *Brodhalpeny* in some Authors.

**Bordlands**, the Lands which Lords keep in their Hands for the Maintenance of their Board or Table. *Est Dominicum quod quis habet ad mensam suam & proprie, sicut sunt Bordlands Anglice, i. e. Dominicum ad mensam.* *Bra&. lib.* 4. tract. 3. c. 9. num. 5. Which Possession was anciently termed *Bordage*. Sax. *Di&. verbo Bord.* And the *Bordarii* (often mentioned in *Domesday*) were such as held those

those Lands which we now call *Demain Lands*. See *Antiq. of Purveyance*, fol. 49.

**Bordlode**, The Firm, or Quantity of Food, or Provision, which the *Bordarii*, or *Bord-men* payed for their *Bord-Lands*. The old *Scots* had the Term of *Burd*, and *Meet-Burd*, for Victuals and Provisions; and *Burden-Sack*, for a Sack full of Provender. From whence probably comes our *English* *Burden* at first; only a Load of Meat and Drink: Which we seem still to retain in the Proverb, *He has got his Burden*, i. e. as much Drink as he can bear, or carry off. *Bordlode* was also a Service required of the Tenant to carry Timber out of the Woods of the Lord to his House.

**Bord-Service** is a Tenure of *Bord-lands*; by which some Lands in the Manor of *Fulham*, in *Com. Middlesex*, and elsewhere, are held of the Bishop of *London*, and the Tenants do now pay six Pence per Acre in Lieu of finding Provisions anciently for their Lord's Board or Table.

**Borg-brych**, or *Burgh-Brych*. The Breach or Violation of Suretyship, or Pledge or mutual Fidelity among the Saxons.

**Borow** or *Borough*. In Latin *Burgus*, *Burgum*; may be derived either from the French *burg*, i. e. *pagus*; or from the Saxon *borhoe*, *pignus*: It signifies with us a Corporate Town, that is not a City, 2 E. 3. cap. 3. namely, such as send *Burgesses* to the Parliament, whose Number you may see in *Cromp. Jurisd.* fol. 24. It may probably be conjectured, That anciently it was taken for those Companies consisting of ten Families, which were to be Pledges for one another. See *Braet. lib. 3. tract. 2. cap. 10.* See *Head-borow*, and *Borow-head*; and *Lamb. Duty of Const.* pag. 8. *Lyndewode* upon the Provincial, (*ut singula de sensibus*) speaks to this Effect, *Aliqui interpretantur Burgum esse castrum, vel locum ubi sunt crebra castra, vel dicitur Burgus, ubi sunt per limites habitacula plura constituta*; but afterwards defines it thus, *Burgus dici potest Villa quacunque, alia a Civitate, in qua est Universitas approbata*. Some derive it from the Greek Word *πορὸν*, that is, *Turris*. See *Skene de verb. signif. Vergestan*, in his Resolution of decay'd Intelligences, saith, That *Burg* or *Burgh*, whereof we take our *Borough*, metaphorically signifies a Town having a Wall, or some Kind of Closure about it. All Places that in old Time had amongst our Ancestors the Name of *Borough*, were one way or other fenced or fortified. *Lit. sect. 164.* Yet sometimes this Word is used for *Villa insignior*, or Country-Town of more than ordinary Note, not walled.

**Borow-English**, Is a Customary Descent of Lands or Tenements, whereby in all Places where this Custom holds, Lands and Tenements descend to the youngest Son; or if the Owner of Land have no Issue, then to the younger Brother: As in *Edmuntton*, some Part of *Richmond*, and other Places. *Kitchin*, fol. 102. And the Reason of this Custom, (says *Littleton*) is, for that the Youngest is presumed in Law to be least able to shift for himself.

**Borow-head**, alias *Head-borough*, *Capitalis Plegius*, made up of *Borhoe*, a Pledge, and *Head*. *Lamb. Duty of Constables*; where in the Explication of this and other Saxon Words of that Nature, he rehearseth some ancient Customs of England, during the Reign of the Saxon. This *Borow-head* was the Chief Man of the *Decury*, elected by the rest to speak, and do in their Behalfs those Things that concerned them. See *Borow-holders*.

**Borow-holders** alias *Borholders*, *be quasi Borhoe-ealders*, and significth the same Officers that be called *Borow-heads*. *Lamb. Duty of Const. Braet. calleth them Borghy-Aldere*, lib. 3. tract. 2. c. 10.

**Borow Goods** devisable, I find these Words in the Statute of *Aston Burnel*. 11 E. 1. c. unico: And suppose that as before the Statute of 32 & 34 H. 8. no Lands were devisable at the Common Law, but in ancient Baronies; so perhaps at the Making the Statute of *Aston Burnel*, it was doubtful, whether Goods were devisable but in ancient *Borow*: For it seemeth by the Writ *De rationabili parte bonorum*, that anciently the Goods of a Man were partible between his Wife and Children.

**Borrel-folk**, i. e. Country People, from the Fr. *Boure*, i. e. *Floccus*: Because they covered their Heads with such Stuff. *Chau. Fab. of the Apparitor*, fol. 43.

**Borsholder**, the same with *Headborough*, from the Sax. *Borhee Ealder*, i. e. *Fidejussor primarius*.

**Borshal-peny**. See *Bord-halpeny*.

**Borwhal-peny**, The same Duty with *Bord-peny* In the Charter of *Hen. 1.* to the Church of *St. Peter, York*, *Canonici & homines eorum sint quieti de — Leyrwyte, Hengewyte, & Wardepeny, & Borwhalpeny, & de omnibus auxiliis Vicecomitum*, &c. MS.

**Boscage** (*Boscagium*) is used for that Food which Wood and Trees yield to Cattle, Malt: From the Ital. *Bosco, Sylva*. Howbeit *Manwood* says, To be quit *de Boscagio*, is to be discharged of paying any Duty of Wind-fall-Wood in the Forest; it may be derived from the Greek Word *βόσκω*, *Pascere*.

**Boscaria**, May be either Wood-Houses, from *Bosus*; or Ox-houses, from *bos*. *Ut ipsi possunt domus & Boscaria satis competenter edificare*. *Mon. Angl. 2. pa. fol. 302.*

**Bosus** is an ancient Word used in the Law of England, for all Manner of Wood. The *Italians* use *Bosco* in the same Sense, and the *French*, *Bois*. *Bosus* is divided into High Wood or Timber, (*Haut-bois*), and Coppice or Under-Wood, (*Sous-bois*) High Wood is properly called *Saltus*, and in *Fleta, Maeremium* — *Cum una Carecta de mortuo Bosco*. *Pat. 10. H. 6. par. 1. m. 4. per Inquest.*

**Bosinnus**, A certain rustical Pipe: By Inquisition after the Death of *Laurence Hastings*, Earl of *Pembroke*. 22 E. 3. the Manor of *Aston Cantlow*, in *Com. War.* is returned to be held in Capite of the King, by these Words, *Quod quidem Manerium per se tenetur de Domino Rege in Capite per servitium inveniendi unum hominem Peditem, cum quodam Ar. u sine Corda, cum uno Bosinno sine cappa, &c.* *Ex Record. Tur. Lond.*

**Bostar**, i. e. an Ox-stall. 'Tis mentioned in *Mat. Paris. Anno 1234.* and in *Ingulphus*, *Fecit tum borrea, Bostaria, Ovilia, &c.*

**Bota**, A Boot or Shoe, that was the particuliar Calceature of the Monks. In some astronomical Fragments of *John de Wallingford*, we see the Picture of the Author, with this Distich:

*Tonsio larga coma, nigra vestis, Bota rotunda.*

*Non faciunt Monachum, sed mens a crimine munda.*

MS. Cotton, Jul. D. 6.

**Bote**, Signifieth Compensation, Recompence, Satisfaction, or Amends. *Lamb. Explicat. Sax. Words*: Thence cometh *Manbote*, (alias) *Monbote*, that

that is, Compensation or Amends for a Man slain, which was bound to another. In K. Ina's Laws, set out by Mr. Lambard, ca. 96. is declared what Rate was ordained for the Expiation of this Offence. Hence also comes our common Phrase, To give to Boot, that is, *Compensationis gratia*. See *Skene de verb. signif.* Tit. Bote. See also *Hedge-bote*, *Plow-bote*, *House-bote*, *Theft-bote*, &c. in their proper Places.

**Boteles**, In the Charter of Hen. 1. to Thomas Archbishop of York, it is said, That no Judgment or Sum of Money shall acquit him that commits Sacrilege; but he is in English called Boteles, i. e. without Emendation. *Lib. albus penes Cap. de Suthnet. Int. Plac. Trin. 12 Ed. 2. Ebor. 48.* We retain the Word still in common Speech. See *Fridstol.*

**Botericia**, Butterefs. — *Rex — Sciatis quod concessimus — Johanni de Chishull, Decano S. Pauli Lond. Thesaurario nostro qd' ipse & soc. sui Decani ejusdem Ecclesie, — in perpetuum habeant & teneant libere & quiete duas columnas botericas, quas idem Decanus fieri fecit a parte australi Capella sua —* 9 Jun. Pat. 35 H. 3. m. 14.

**Botellaria**, a Buttery or Cellar, in which the Butts and Bottles of Wine, and other Liquors are repositied. — *Veniet ad Palatium Regis, & ibit in botellarium, & extrahet a quocunque vase in dicta botellaria invento, vinum quantum viderit necessarium pro factura unius picheri claretti.* — An. 31 E. 3.

**Botha**, A Booth or Tent to stand in, in Fairs or Markets. — *Et duas mensuras libras ad Bothas suas faciendas.* Mon. Angl. 2. Par. f. 132.

**Bothagium**, Boothage, or customary dues paid to the Lord of the Manor or Soil, for the Pitching and Standing of Booths, in a Market or Fair. — 19 H. 6. *Rex concessit Rob. Broke — Picagium, Stallagium, Bothagium, & Tollagium, una cum assisa panis & cerevisie de Novo Mercato infra Villam de Burcheffer, Com. Oxon. Paroch. Antiq. pag. 680.* For the Original of the Word, from the old Gallic *bouts*, Leather Jacks, see Mr. Kennet's Glossary.

**Bothna**, *buthna*, *buthena*, Seems to be a Park where Cattle are inclos'd and fed: *Hector Boetius, lib. 7. ca. 123. n. 35.* And *Aul. Gell. lib. 11. cap. 1.* *Bothena* also signifies a Barony, Lordship, or Sheriffwick. And *Domini Bothena*, are Lords of the Barony, Manor, &c. *Skene, de verb. signif.*

**Botler** of the King, (*Pincerna Regis*, Anno 43 Ed. 3. cap. 3.) is an Officer that provides the King's Wines, who (according to *Fleta. Lib. 2. cap. 21.*) may by Virtue of his Office, out of every Ship laden with Sale-Wines, *Unum dolium eligere in prora navis ad opus Regis, & aliud in puppe, & pro qualibet pecia reddere tantum 20 solid. Mercatori. Si autem plura inde habere voluerit, bene licebit, dum tamen pretium fide dignorum judicio pro Rege apponatur.*

**Bottomry**, or **Bottomary**, (*Fœnus nauticum*, Anno 16 Car. 2. cap. 6.) is when the Master of a Ship borrows Money upon the Keel or Bottom of his Ship, and binds the Ship it self, That if the Money be not paid by the Day assigned, the Creditor shall have the Ship. *Ceo Bottomage est quand argent est borrow sur Keil del Neif, & le Neif oblige al payment de ceo. Viz. Si ne soit pay al temps, que l'auter averra le Neif.* Latch's Rep. fol. 252. *Scarborough's Case.*

Others define it thus; when I. S. lends Money to a Merchant, who wants it to traffick, and is to be paid a greater Sum at the Return of the Ship, standing to the Hazard of the Voyage; and though the Profit be above the lawful Interest, it is not reckoned Usury.

**Bovata terræ** is as much as one Ox can plough in a Year: *Otto bovatz terra faciunt carucatam terra, otto carucata faciunt unum Feodum Militis. 28 acra faciunt Bovatam terra.* Mr. S. in notis in Statut. — *Cujus singula Bovatz sunt quindecim acra terra.* Mon. Angl. par. 3. fol. 91. b. See *Oxgang.*

**Bouche of Court**, or (as the Vulgar call it) **Buque of Court**, is to have Meat and Drink scot-free there: For so is the Fr. *Avoir Bouche a la Cour*, to be in Ordinary at Court. Sometimes it is extended only to Bread, Beer, and Wine. And this was anciently in Use as well in the Houses of Noblemen, as in the King's Court; as appears by this Indenture.

**CESTE** Endenture fait parentre les Nobles hommes Monsieur Tho. Beauchamp, Comte de Warwyke, d'une part, & Monsieur Joh. Russel de Strengesham Chivalier d'autre part, tesmoigne, que le dit Monsieur Johan. est demeure ove le dit Comte par terme de sa vie, pur la pees & pur guerre, & prendra pur la pees du dit Comte annuellement vynt livres, de la vie du dit Monsieur Johan, del Manoir le dit Comte de Chedworth en le Countee de Gloucester, & pur la guerre quarant livres, & serra paie annuellement es termes de la Nativitee Sainte John le Baptiste & de Nowel per ovels portiones des issues du dit Manoir de Chedworth, per les mains del gardein de mesme le Manoir, & avera le dit Monsf. Johan pur la pees, quant il serra maunde de venir al dit Comte, Bouche au Cour pur lui mesme, un Chamberlein & un Garson, seyn, prouverre & Ferrure pur trois Chivaux pur la temps de sa demoure, Et pur la guerre le dit Monsf. Johan Mountra lui mesme convenablement, & avera Bouche au Cour, ou liverie pur lui mesme, un Chamberlein & trois Garsons, ou gages al afferant & seyn, provendre & Ferrure pur cynk chivaux en manere come autre de son estat, ove le dit Comte, prendront. Et si il preigne prisonier, soit entre le dit Comte & le dit Monsf. Johan, si come il fait parentre lui & autres Bachilers de sa retenue pur terme de vie. Et voet & grante le dit Comte per cestes presentes Lettres, que si la dite rent annuele de xli. pur la pees, ou de xli. pur la guerre soit a derere & nyent paye pur un moy apres aucun des termes avantditz, que bien lise au dit Monsf. Johan ou son Attornie en celle partie en le dit Manoir de Chedworth destreindre pur les arrearages de la dite rent, &c. Donne a nostre Chastel de Warwyke le xxix. jour del mois de Marcz l'an du regne le Roy Richard Second, puis le Conquest, sisme.

This Bouche of Court was also an Allowance of Diet, or Belly-provision from the King, or Superior Lord, to their Knights, Esquires, and other Retinuc, that attended them in any military Expedition: From the French *bouche*, a Mouth; or rather from the Gall. *boughs*, Lat. *bulga*, Engl. *budget*, of British original; for the Welsh use *bolgan*, and the Irish *bolgy*, by Metaphor, for *bellows*. See Mr. Kennet's Glossary to Paroch. Antiq.

**Boberia**, or **Boberium**, An Ox-house, or Ox-stall, *Loca ubi stabulantur boves*; according to Gloss. in X Script. And Mon. Angl. 2. parn. f. 210. hath these Words, — *Ad faciendum ibi boverias suas, & alias domos usibus suis necessariis.* The Scotch now



now call a Cow-house a *hyer*, as in the Ballad of Christ Kirk on the Green, — *The bolt flew over the Byer.*

**Boberton**, in *Glamorganshire*. See *Bovium*.

**Bovium**, The Town in *Wales*, so called by the Ancients, is now known by the Name of *Boberton*.

**Robertus**, A young Steer, or Bullock, castrated. *Unus bovettus mas, quatuor bovicula foemina.* Paroch. Antiq. p. 287.

**Bovicula**, An Heifer or young Cow, which in the East-Riding of *Yorkshire* they call a *Whee*, or *Whey*. — *Possunt sustentari sexdecim vacca, & unus taurus cum boviculis.* Paroch. Antiq. pag. 495.

**Bound**, or **Boundary**, (*Bunda*) — *Secundum metas, metas, bundas, & Marchias Foresta,* 18 Ed. 3. *Itin. Pick.* fol. 6. Sir Edward Coke, in 4 *Inst.* fol. 318. derives it from the Saxon *Burna*; but the Saxon Dictionary affords no such Word.

**Boo-beater** is an Under-Officer of the Forest, whose Oath will inform you the Nature of his Office, in these Words:

**I** Will true Man be to the Master of this Forest, and to his Lieutenant; and in their Absence I shall truly over-see, and true Inquisition make, as well of sworn Men as unsworn in every Bailiwick, both in the North Bail and South Bail of this Forest, and of all manner of Trespas done, either to Vert or Venison; I shall truly endeavour to attach, or cause them to be attached, in the next Court of Attachment, there to be presented, without any Concealment had to my Knowledge. So help me God. *Crompt. Jurisd.* fol. 201.

**Bozones**. See *Busones*.

**Bracelets**, Hounds, or rather Beagles of the smaller and slower Kind. — *Rex constituit J. L. Magistrum canum suorum vocatorum Bracelets, dans ei licentiam experiendi eosdem canes, necnon habendi & faciendi cum eis sectas ad quasunque bestias infra forestas & chaceas suas prout sibi fore videbitur faciendum pro expeditione & informatione ditorum canum.* — *Pat. 1. Ric. 2. p. 2. m. 21.*

**Braccarius**, (*Fr. Braconier*) The Huntsman Master of the Hounds. — *Rex mandat Baronibus quod allocent Rob. de Chademoth Vicecom. Lincoln. lvi. s. vii. d. quos per praeceptum Regis liberavit Joh. de Bellovento pro putura septem Leporariorum, & trium falconum & Lanerar. & pro vadiis unius Braccarii, a die S. Joh. Bapt. An. 14 usque ad vigil. S. Mich. prox. sequent. utroque die computato, viz. pro putura cujuslibet Leporarii & Falconis 1 d. ob. & pro vadiis predicti Braccarii per diem 11 d.* — *Compt. de Anno 26 Ed. 1. Rot. 10. in dorso.*

**Bractus**, **Brachetus**, *Fr. Brachet. Braco Canis sagax, indagator Leporum.* *Fr. Brac.* So as *Braco* was properly the large Fleet Hound, *Brachetus* was the Beagle or smaller Hound: *Bracheta*, the Birch in that Kind. — *Cart. Hen. 2. Reg. Ang.*

— *Concedi eis duos leporarios, & quatuor bracetos ad leporem capiendum.* *Mon. Angl. tom. 2. p. 283.*

**Bracheta**, *Canis foemina, qua Leporem vel Vulpem ex odore persequitur, vulgo a Brache, Gal. Brachet.* — *Et duos Leporarios & quatuor Brachetas ad capiendum Leporem & Vulpem.* *Charta 11 Ed. 2.*

**Bracina**, a Brew-house: *MS. penes Wil. Dugdale, Mil.*

**Bracinum**, a Brewing: The whole Quantity of Ale brewed at one Time, for which *Tolsester* was paid to the Lord in some Manors.

**Brage**, Broughton in *Hampshire*.

**Brampton**. See *Bremenium*.

**Brancafter**. See *Branodunium*.

**Brandy**, a Kind of Spirit, or Strong-water, made chiefly in *France*, and extracted from the Lees of Wine or Cyder, mentioned in the *20 Car. 2. cap. 1.* Upon an Argument in the *Exchequer*, Anno 1668. whether Brandy were a Strong-water or Spirit, it was resolved to be a Spirit. But 25 Novem. 1669. by a Grand Committee of the whole House of Commons, it was voted to be a Strong-water, perfectly made. See the Statute in Pursuance thereof. *22 Car. 2. cap. 4.*

**Branodunium**, *Brancafter* in *Norfolk*.

**Branogenium**, *Worcester*.

**Brasare**. *Cujuscunque Uxor Brasabat intus & extra civitatem Heref. dabat x denarios.* *Domesday.* To Brew.

**Brasiatrix**, a She Brewer. *Siqua Brasiatrix brasaverit Cervisiam, solvet Tolsester.* *Reg. Priorat. de Thurgarton.*

**Brasina**, or **Bracina**, and **Brasinaria**, a Brew-house.

**Brasium**, Malt. In the ancient Statutes *Brasior* is taken for a Brewer. from the *Fr. Brasseur*; and at this Day also for a Malster or Malt-maker. It was adjudged, 18 Ed. 2. *Quod venditio Brasii non est venditio Victualium, nec debet puniri sicut venditio Panis, & Cervisie & hujusmodi contra formam Statuti.* To make Malt (*Inland Malt*) was a Service paid by some Tenants to their Lord. In *manerio de Piddington* quilibet virgarius preparabit Domino unum quarterium Brasini per annum, si Dominus inveniet boscum ad siccandum. *Paroch. Antiq. p. 496.*

**Braston**, Was a famous Lawyer of this Land, renowned for his Knowledge both in the Common and Civil Laws, as appeareth by his Books every where extant. He lived in the Days of *Henry III.* *Staundf. pref. fol. 5. b.* And as some say, was Lord Chief Justice of *England*.

**Brathia**, *Sax. broth, Broth or Pottage.* — *Concessi totum feodum meum de pincernaria Glastoniz cum pertinentiis, ut in pane, vino, & cervisia, carne, pisce, sive alio quocunque genere companagii, sive leguminis, jui, brathia, & aliis quibuscunque ad feodum pertinentibus.* *Cartular. Abbat. Glaston. MS. f. 74. a.*

**Breach Carnium**. By *Breach Carnium*, *Thomas Crew*, Master of the Hospital of *St. John Baptist*, without the North-gate at *Chester*, claims *Quod omnes Tenentes sui infra eorum libertates residentes sint quieti de venditione carniarum.* *Pla. in Itin. apud Cest. 14 H. 7.*

**Bread of Treat or Crife**, *Panis Triciti*, Is one of those Sorts of Bread mentioned in the Statute of *Assise of Bread and Ale*, 51 H. 3. *Stat. 1.* where you may read of *Wassel Bread*, *Cocket Bread*, and *Bread of Treat*, which may answer to three Sorts now in Use with us called *White*, *Wheaten*, and *Household Bread*. Heretofore in Religious Houses they distinguished Bread by these several Names; *Panis Armigerorum*, *Panis Conventualis*, *Panis Puerorum*, and *Panis Famulorum*. See *Cocket*.

**Brecca**, A Breach or Decay, or any other want of Repair. I have seen a Deed, with Covenant for Repairing, — *Muros & breccas portas & fossatas castelli, sine dat. de brecca aqua inter*

*inter Wolwich & Greenwich supervidend. Pat. 16 R. 2. Dorſ.*

**Brede**, Signifieth broad; *Bracton* useth this Word, lib. 3. tract. 2. cap. 15. nu. 7. proverbially thus, *Too large, and too brede*; that is too long, and too broad.

**Brede** is also a Saxon Word, and signifies *Deceit. Testimonium est & cognitio quod ibi Brede fit. Leges Canuti, Par. 2. cap. 22.*

**Bredgurna**. What we now call Bridegroom.

**Bredewite**, Sax. *bread*, and *Wite*, a Fine or Penalty. So as *Bredewite* seems to have been the Imposition of Fines or Amercements for Defaults in the Assise of Bread. To be exempt from that Penalty, was a special Privilege granted to the Tenants of the Honour of *Wallingford*, by King *Hen. II. Ut quieti sint de hidagio & blodewite, & bredewite. Paroch. Antiq. p. 114.*

**Brehon**, The *Irish* call their Judges *Brehones*, and consequently the *Irish* Law is termed *Brehon Law. Sec 4 Inst. fol. 358.*

**Breifnas**. Weather-Sheep. *Concedo Deo & monachis 30 Breifnas singulis Annis. Monast. Tom. 1. cap. 406.*

**Bremenium**, *Brampton* in *Northumberland*.

**Brementuracum**, *Brumpton* in *Cumberland*.

**Brenagium**, the Payment in Bran, which the Tenant was to make to feed the Lord's Hounds.

**Brentwood**. See *Cesaromagus*.

**Bretoys**, or **Bretons**: — *Sciant—quod ergo Henricus de Penebrugge Dedi—Omnibus liberis Burgensibus meis Burgi mei de Penebrugge omnes libertates & liberas consuetudines secundum legem de Bretoys nundinis & feriis appertin. secundum tenorem Charta Domini Henrici Regis quam habeo. Habendum, &c. Sine dat. Secundum legem de Bretoys*, must certainly signify *Legem Marchiarum*; or, The Law of the *Britains* or *Welshmen*: For *Penebrugge* (now *Pembridge*) is a Town in *Herefordshire*, bordering upon *Wales*.

**Brettenham**. See *Cambretonium*.

**Breve**, Which haply may be so called from the Brevity of it, is any Writ directed either to the Chancellor, Judges, Sheriffs, or other Officers, whose Variety and Forms, you may see in the Register *per totum*. The Word is used in the Civil Law according to several Senses. See *Skene de verb. signif. verb. Breve. And Bracton, l. 5. tract. 5. cap. 17. num. 2. Breve, quia breviter & paucis verbis intentionem proferentis exponit, &c.* Any Writ or Precept from the King, was called *Breve*, which we still retain in the Name of *Brief*, the King's Letters Patent to poor Sufferers, for Collection.

**Breve perquirere**, To purchase a Writ or License of Trial in the King's Court, by the Plaintiff, *qui breve perquisivit*. Hence the present Usage of paying six Shillings and eight Pence, where the Debt is forty Pounds and ten Shillings, where the Debt is 100*l.* and so upwards, in Suits of Money due upon Bond.

**Breve de Recto**, A Writ of Right, or License for a Person ejected, to sue for the Possession of an Estate detained from him.

**Brevibus & Rotulis liberandis**, Is a Writ or Mandat to a Sheriff, to deliver unto the new Sheriff, chosen in his Room, the County, with the Appurtenances, *una cum Rotulis, Brevibus*; and all other Things belonging to that Office. *Reg. Orig. fol. 295. a.*

**Bribery**, Is a high Offence, viz. when any Man in a judicial Place, or any great Officer, takes

any Fee, Pension, Gift, or Reward, for doing his Office, of any Person, save the King only. *Fortescue, cap. 51. and 3 Inst. fol. 145.*

**Bribors**, Cometh of the French *Bribeur*, i. e. *Mendicus*: It seemeth in a legal Signification one that pilfereth other Mens Goods, as Cloaths out of a Window, or the like. *Anno 28 Ed. 2. Stat. 1. cap. unico.*

**Brichennus**. *Idem quod Chimine, Anglice a Way, in piscariis & mariscis in Bricheminis & semitis. Du Cange.*

**Brucolls**, an Engine, by which they beat down Walls.

**Brief** (*Breve*) signifies a Writ, whereby a Man is summoned or attached to answer any Action; or (more largely) any Writ in Writing, issuing out of any of the King's Courts of Record at *Westminster*, whereby any Thing is commanded to be done in order to Justice, or the King's Command, and is called a *Brief*, or *Breve*: *Quia Breviter & paucis verbis intentionem proferentis exponit & explanat, sicut regula juris rem qua est Breviter enarrat, says Bracton; lib. 5. Tract. 5. cap. 17. num. 2.* Also Letters Patent, or a Licence from the King or Privy Council, granted to any Subject to make a Collection for any publick or private Loss, is commonly filed a *Brief*. See *Writ*.

**Briga**, French *Brigue*, that is, Strife or Contention. *Et posuit terram in Brigam, & intricavit terram; scilicet, per diversa fraudulenta seoffamenta. Ideo committitur Maref. baillo, &c. Ebor. Hill. 18 Ed. 3. Rot. 28.*

**Brigandine**, (*Fr.*) a Coat of Mail, or a Fashion of ancient Armour, consisting of many jointed and scale-like Plates, very pliant unto and easy for the Body, mentioned *Anno 4 & 5 Phil. & Mar. cap. 2.* Some confound it with *Haubergeon*; and some with *Brigantine*, (in Writing which there is only the *d* turned into *s*) which signifies a low, long, and swift Sea Vessel, having some twelve or thirteen Oars on a Side.

**Brigantes**, *Yorkshire, Lancashire, Bishoprick of Durham, Westmorland, and Cumberland.*

**Brigvore**, or **Brigbote**, *Est quietum esse de auxilio dando ad reficiendum Pontes. Fleta. lib. 1. cap. 47.* It is compounded of *brig*, a Bridge; and *bote*, a Compensation or Yielding of Amends. See *Bote*, and *Bruckbote*. *Selden's Titles of Honour, fol. 622.*

**Brithol**, King *Hen. III.* in a Charter to the Citizens of *Lond.* dated 16 *Mart. An. Regn. XI.*

— *Ad emendationem Civitatis London, eis concessimus, quod omnes sint quieti de Brithol, & de Childwite, & de Jerligne, & de Scotal, — Placit. temp. Ed. I. & Ed. II. MS. fol. 143. b. Penes Dom. Fountains.*

**Britton**, Was a famous Lawyer, that lived in the Days of King *Edward* the First, at whose Command, and by whose Authority, he Writ a Learned Book of the Law of this Realm: The Tenor runneth in the King's Name, as if it had been penned by himself, answerably to the Institutions which *Justinian* assumeth to himself, though composed by others. *Staundf. prer. fol. 6, & 21.* Sir *Edward Coke* saith, That this *Britton* writ his Book in the fiftieth Year of *Edward* the First. *Lib. 4. fol. 126. a. & lib. 6. f. 67. a.* Mr. *Guin*, in his Preface, to his Reading, mentioneth, That this *John Britton* was Bishop of *Hereford*.

**Brocage**, Is commonly taken for the Wages, Hire or Trade of a Broker. In 12 R. 2. cap. 2. it is taken for the Means used by a Spokesman. *An. 1 Jac. cap. 21.* it is written Brokerage. See also 11 H. 4. n. 28. not printed.

**Brocella**. — *dedi unam brocellam vocatam Rahag. Reg. de Thurgaton.* MS. Dr. Thorton interprets it a Wood. I have not elsewhere met with the Word, nor know I whence to derive it. (So. Blount). The Word did properly signify a Thicket, or Covert of Bushes, and Brush-wood; from the obsolete Lat. *bruscia, brusca, terra bruscosa, brocia*; French *broce, brocelle*. Hence our *brouce*, or *brouse* of Wood, and *brousing* of Cattle.

**Brocha**, An Awl, or large packing Needle, carried as a necessary Implement to mend Sacks, Saddles, and other Horse-geer. From the French *Broche*, a Spit, which in some Parts of England is called a *Broche*. Whence to broach or pierce a Barrel: Lat. *Brocha, Brochia*, Gall. *Broches Armoiri*. *Broccen*, were sharp wooden Stakes, which, as us'd upon the Sea-banks in *Romney-Marsh*, are called Needles. It is true the Learned *Spelman* did conjecture the Word *Brochia*, or *Brocha*, to be a Sort of Can or Pitcher, to hold liquid Things, as *Saccus* to carry dry Things; as it is rendered in the following Word *Brochia*. But it seems much rather to signify, as I have before explained it, an Awl, or a Needle. It was certainly an Iron Instrument, as in this Authority, — *Henricus de Havering tenet manerium de Morton, Com. Essex, per Serjantiam inveniendi unum hominem, cum uno equo, pret. x. s. & quatuor ferris equorum, & uno sacco de corio, & una brochia ferrea.* — Anno 13 Ed. 1.

**Brochia**, (From the French *Broc*, quod lagenam majorem aut Cantharum significat) A great Can or Pitcher. *Bracton, lib. 2. tract. 1. c. 6.* hath these Words, *Si quis teneat per servitium inveniendi Domino Regi, certis locis & temporibus, unum hominem & unum equum, & saccum cum brochia, pro aliqua necessitate vel utilitate exercitum suum contingente.* By which it seems that he intends *Saccus* to carry dry, and *Brochia* liquid Things. See *Saccus*, and *Brocha*.

**Broders**. This may take its Derivation from the French *Brodeur*, and that of *Bordure, Fimbria*, the Edge or Hem of a Garment, which we yet call *Border*, and that because it is usually distinguished from the Rest by some conceited or costly Work: He that worketh it, is known amongst us by the Name of an Embroiderer.

**Brodehalpeny**, In some Copies *Broad-half-peny*, and in others *Bordhal-peny*. It signifies a small Toll by Custom paid to the Lord of the Town, for setting up of Tables, Booths, or Boards in Fairs or Markets: And those that were freed by the King's Charter of this Custom, had this Word put in their Letters Patent; by Reason whereof at this Day, the Freedom it self, for Brevity of Speech, is called *Broad-halfpeny*. It seems to be derived of three Saxon Words, *bret* or *bred*, that is, a Board, and *halve*, that is in the behalf of, as we say in Latin (*cujus rei gratia*), and *penning*, a Toll, which in all makes a Toll in behalf of, or for a Board.

**Broggars**, from the Fr. *Bragard*, a gay, vain Person, who lives in Luxury, and that from the old French Word *Bragnerie*, i. e. braving or swagging.

**Broggers**. See *Brokers*.

**Brok**, An old Sort of Sword or Dagger, — *Furati dicunt super Sacramentum, quod Johannes de Monemne Miles per Robertum Armigerum suum, percussit Adam Gilberd Capellanum de Wilton, in gutture, quodam gladio, qui dicitur brok, per quod propinquior erat morti, &c.* Rot. Parl. 35 E. 1.

**Broke**, Commonly called Sir Robert Broke, was a great Lawyer, and Lord Chief Justice in Queen Mary's Time. *Crompt. Justice of the Peace, fol. 22. b.* He made an Abridgment of the whole Law, from him intituled *Broke's Abridgment*.

**Brokers**, (*Broccatores, Broccarii & Auxienarii*) are of two Sorts; the one an Exchange-Broker, whose Trade is to deal in Matters of Money and Merchandise between Englishmen and Stranger-Merchants, by drawing the Bargain to particulars, and the Parties to Conclusion; for which they have a Fee or Reward. These are called *Brogers*, Anno 10 R. 2. c. 1. and in Scotland *Broccarii*, that is (according to *Skene*) Mediators or Intercessors in any Transaction, Paction, or Contract, as in Buying, Selling, or Contracts of Marriage. *Brogers of Corn* is used in a Proclamation of Queen Elizabeth for *Badgers*. *Baker's Chron. fol. 411.* He that would know what these *Brokers* were wont, and ought to be, let him read the Statute 1 Jac. cap. 21. The other is the *Pawn-Broker*, who commonly keeps a Shop, and lets out Money to poor and necessitous People upon Pawns, and not without Extortion for the most Part: These are more properly called *Friperers* or *Pawn-takers*, and are not of that Antiquity or Credit as the Former; nor does the said Statute allow them to be *Brokers*, though now commonly so called. The Original of the Word is Sax. viz. from *Breacan*, to break, and from thence comes *Brocad*, i. e. a Trader broken, or a Bankrupt, and that from *Broc*, which signifies Misfortune, which is often the true Reason of a Man's breaking; so that *Broker* came from one who was a broken Trader by Misfortune, and none but such were formerly admitted to that Employment, and they were to be Freemen of the City of London, and allowed and approved by the Lord Mayor and Aldermen for their Ability and Honesty, and they took an Oath to behave themselves faithfully.

**Brokus**, Bruised, or hurt with Blows, Wounds, or other Casualties. — *Mandatum est a Domino Rege, ne quis mallet broffas bestias in Oxonia* — Claus. 12 E. 3. P. 3. Dors. 2.

**Brothel-houses**. King Henry 8. by Proclamation 30 March, the thirty-seventh Year of his Reign, suppressed all the Stews, or *Brothel-houses*, which long had continued on the Bank-side in *Southwark*, for that they were prohibited by the Law of God, and the Laws of the Land. 3 Inst. fol. 205. and Rot. Parl. 14 R. 2. n. 32.

**Bruarium and Bruzzium**. — *Sciatis quod ego Thomas de Esfleya miles dedi — totam terram meam de Morton, cum Bruario quod vocatur le Chaleng. Ex M. S. penes Will. Dugdale Arm. Heath, or the Ground where Heath grows.* See *Brugere*.

**Bruckbote**, Is compounded of two German Words, *Bruck*, *Pont*, a Bridge, and *Bote*, *Compensatio*, a Reward: It signifies with us a Tribute or Duty, towards the mending or re-edifying of Bridges, whereof many are freed by the King's Charter; and thereupon the Word is used for the

the very Liberty or Exemption from this Tribute. See *Pontage*, and *Brigbote*.

**Brudatus**, Bordered, Embroidered. *Ranulphus Episcopus Eliensis*, contulit *Monachis* quoddam vestimentum croceum, cappam scilicet & casulam cum dorsali imaginibus brudato, & duas tunicas—*Albam bonam brudatam cum imaginibus*. *Hist. Elien.* apud *Whartoni Angl. Sacr. P. 1. p. 604.*

**Bruea**, Perhaps a little Wood, or heathy Ground — *In Dominicis Boscis Domini Episcopi, scil. in bruellis ex parte australi Regii itineris. Reg. Priorat. de Wermley, fol. 24.*

**Bruea**, So we call that which the Latines Name *Erica*, and signifies Heath: *Bruaria* 2 *leucarum* longitudine & latitudine: *Domiesday*. *Hac autem appellatione forenses vocant steriles campos licet Ericam non edant.* *Spelman.*

**Brueria**, Briars, Thorns, Brush, Heath; a *Sax. Brer*, *Briar*. *A. D. 1434. Humphry Duke of Gloucester*, acknowledges the Forester of *Shotore* and *Stowode*, — *tantum de arboribus & brueriis, quantum pro vestura indiguerit — habebit.* *Paroch. Antiquit. p. 620.* Hence *Lat. Broilium*, *broilum*, *brulium*, *Brullium*, a Hunting Chase, or Forest. *Brullus*, *brogillus*, a Wood, a Grove. *Fr. Breil*, *breuil*, *breuille*, a Thicket or Clump of Trees, in a Park or Forest. Hence the Abbey of *Bruer*, in the Forest of *Wichwood*, *Com. Oxon.* and *Bruel*, *Brehul*, or *Brill*, a Hunting Seat of our ancient Kings in the Forest of *Bernwode. Com. Buck.*

**Bruilletus**, A small Cops or Thicket, a little Wood. — *Dedimus Willielmo Briwer licentiam claudendi duos bruilletos, qui sunt extra regardum Forestæ nostræ quorum unus est inter Swinburn & Estorbrig. Cart. Ric. 1.*

**Burneta**, i. e. *Died Cloth*: *Viginti tunica de bono bruneto*: 'Tis sometimes wrote *Burneta*, viz. differentia inter brunum colorem & burnetam; brunus enim color potest fieri ex lana absque tinctura, viz. *Russetum*: *Burnetum vero requirit tincturam & artificium hominis quoad colorem.* *Lyndewode.*

**Burnettum**. See *Burneta*.

**Bruscia**, i. e. *Burnetum*. *Charta nostra confirmamus centum acras tam de terra quam de Bruscia de manerio de Riveria. Monast. Tom. 1. pag. 773.* Sometimes it signifies a Wood.

**Brusdus**, **Brudatus**, i. e. embroidered: *Casulam unam per totum brudatam. Monast. 1 Tom. pag. 210.* In some Books 'tis *Brullatus* and *Brullatus*, septem capas Brullatas, Thorn, *Quinque capas sericas auro Brullatas. Monast. 301.*

**Brushment** (*Charta Forestæ, cap. 14.*) *Brushwood*. *Sciatis nos dedisse licentiam quatenus totam terram suam que sita est infra metas forestæ de Rotelard, & quantum ibi habent Brullii possint excolere, & convertere ad terram arabilem. Monast. pag. 952.*

**Brusua** and **Brusula**, Browse or Brushwood. *Mon. Ang. 1 par. f. 773.*

**Bruyere** (*Fr. Bruyere, Lat. Bruyrium, erica, quasi ericetum*) Heath and Heath-ground. *Pastura xi quarentenarum & dimid. longitudine & latitudine. Bruaria 2 leucarum longitudine & latitudine. Domest. Tit. Dorset. Eccles. Creneburn. Ingelingham. Hac autem appellatione Forenses vocant steriles camporum solitudines, licet ericam non edant, Heath-ground. Spelm.*

**Bucinus**, A military Weapon for a Footman. — *Petrus de Chetwode tenet — per Serjantiam inveniendi unum hominem peditem, cum una lancea & uno bucino ferro, per xl dies. Tenures p. 74.*

**Bucklarium**, A *Buckler*. — *Et quod malefactores noctanter cum gladiis & bucklariis, ac aliis armis, &c. Claus. 26 Ed. 1. m. 3. intus.*

**Buckstall**. — *Et sint quieti de Cdevagio, Hondpeny, Buckstall, & Trisfris, & de omnibus misericordiis, &c. Privileg. de Semplingham. By the Statute 19 H. 7. ca. 11.* It seems to be a Deer-hay, Toil, or great Net to catch Deer with; which by the said Statute is not to be kept by any Man that hath not a Park of his own, under Pain of 40*l.*

To be quit of *Buckstalls*, i. e. *Ubi homines convenire tenentur, ibidem convenire ad stableiam faciendam circa feras & ad eandem congregand. quietum esse de hoc servitio, quando Dominus chaceaverit. 4 Inst. f. 306.*

**Buck-wheat** (Mentioned in the *Stat. 15 C. 2. c. 5.*) is otherwise called *French Wheat*, and well known. In *Essex* it is called *Brank*; in *Worcestershire*, *Crap*.

**Budge**, *Lambs Fur*.

**Budge of Court**. See *Bouche*.

**Bugeturum**. — *A. D. 1313. 3. Kal. Jan. Episc. Bath. Well. concedit annuam pensionem duarum marc. cum tertia parte unius panni de secta Clericorum nosterorum, & una furura de bugeto, pro superunica, & alia pro capucio. Regist. Joh. Drokenford. Episc. Bath. Well.*

**Buggery**, According to *Co. Rep. 12 pag. 36.* comes from the Italian *Buggerare*. It hath been defined to be *Carnalis copula contra naturam, & hac vel per confusionem Specierum, sc. a Man or Woman with a brute Beast; vel Sexuum, a Man with a Man, or a Woman with a Woman; see Levit. 18. 22, 23.* This Offence committed either with Man or Beast, is Felony without the Benefit of the Clergy, being a Sin against God, Nature, and the Law, 25 H. 8. revived, an. 3 Eliz. 17. It was brought into England by the Lombards, as appears *Rot. Parl. 50 E. 3. num. 58. See F. N. B. 269. and Dalton.* In ancient Times such Offenders were to be burned by the Common Law. This most detestable Sin was most justly excepted out of the Act of General Pardon, 12 Car. 2. c. 8. made after his Majesty's Happy Restoration.

**Bulga**, *Bulgia*, A Budget, Port-manteau, or any other Continent for portable Goods. — *Bulgas & manticas eorum efferri, & expilari jussit. Will. Malmesbur. de Gestis Pontif. lib. 1. See Bouche of Court.*

**Bull**, (*Bulla, Ital. Bolla*) was a Gold Ornament or Jewel for Children, hollow within, and made in Fashion of a Heart, to hang about their Necks; but now it is most usually taken for a Brief or Mandate of the Pope, or Bishop of Rome, from the Lead or sometimes golden Seal affixed thereto; which *Matthew Paris, Anno 1237.* thus describes. *In Bulla Domini Papæ stat imago Pauli a dextris Crucis in medio Bullæ figurata, & Petri a sinistris.* The Word is often used in our Statutes, as 28 H. 8. c. 16. 1 & 2 Ph. & Mar. cap. 8. and 13 Eliz. cap. 2. *Non solum sigillum significat imprimens & impressum, sed ipsas etiam literas bullatas & interdum schedulam seu bullam. Misit quoq; Archiepiscopus (Cantuariæ) Regi & Concilio suo schedulam sive Bullam, in hunc modum continentem, &c. Spelm.* *William de Brinkle* recovered by Verdict against *Otho*, Parson of the Church of *Boston*, 10*l.* *Pro subtractione unius Bullæ Papalis de Ordinibus, alterius Bullæ de legitimatione, & tertia Bullæ de veniam exorantibus pro animabus antecessorum suorum. Trin. 4 E. 3. Rot. 100. Bulla olim sigillum significans. Gloss. in*



in x Scriptores. Per hanc Chartam aurea Bulla munitam. Charta 15 Johannis, n. 31. intus. Polyd. Virg. De Invent. rer. lib. 8. says, that this Word seems to be derived from the Greek *Buān*, *confilium*.

**Bullenger.** The Commons petition, that certain Commissions issued to Cities, for preparing Boats and Bullengers may be repealed, the Parliament not having consented thereto. Rot. Parl. 2 H. 4. n. 22. See *Balenger*.

**Bullion,** Cometh of the French *Billon*, the Ore, or Metal whereof Gold is made: It signifieth with us Gold or Silver in Mass or Billet. 9 E. 3. Stat. 2. cap. 2. And sometimes the King's Exchange, or Place whither such Gold in the Lump is brought to be tried, or exchanged. An. 27 E. 3. Stat. 2. cap. 14. 4 H. 4. 10. See *Skene de verbor. signif. verb.* Bullion. *Gervase of Tilbury* says, (writing of the Salt Springs in *Worcestershire*) That of old they called a certain Quantity of Salt, *Bullion*.

**Bullitio Salis,** As much Brine or Salt, as is made from one Boiling. What the Learned *Du Fresne* calls *Bullio*, and makes to be *Mensura Salinaria*, is no other than *bullitio*, one Wealing or Boiling. So are the *Bullones*, in Mon. Angl. rom. 2. 256. — *De quatuor summis salis continentibus quadraginta bullones, pro dimidia salina sua.* — *Rectius in libro consuali apud Nantwich.* — *Octo putei salinarii reddebant Regi & Comiti singulis veteris diebus sexdecim bullitiones.* — The Measure seems uncertain, according to the Quantity of their Pits, Cisterns, &c. The last Ingenious Editor of *Cambden* thinks the *Bullitio Salis* might be the same with a *Barrow*, or Measure of twelve Gallons.

**Bulness** in Cumberland. See *Blatum*.

**Butel** is the Refuse of the Meal after it is dressed by the Baker; also the Bag wherein it is dressed. I find the Word mentioned in *Affisa panis & cervisia*. An. 51 H. 3. Hence *Bulted Bread*, coarse Bread. This Word may be derived from the German *Beutel*, a Sieve, *beutelon*; to bolt or to sift: Gall. *Beluter* and *Bluter*; which *Menagius* fancies to have Affinity with the Lat. *Volutare*: Hence the Lat. *Bolendigarius* and *Bolengerius*: *Fl. Boulon*, Fr. *Boulenger*, a Baker, or Maker of Bread.

**Bunda.** See *Bounds*.

**Burcheta** (from the Fr. *Berbe*) A kind of Gun, mentioned in the *Forest Records*.

**Burcifer Regis,** (Pat. 17 H. 8. par. 1. m. 2.) A Purse-bearer, or Keeper of the King's Privy Purse.

**Burdare, i. e.** To jest or trifle: 'Tis mentioned in *Knighdon*, viz. *In tantum erat affabilis Regi, quod burdando petebat a Rege nundinas sibi concedi pro leporariis & canibus, &c.* So in *Matt. Paris. Addit. pag. 149. Quod nulli veniant ad turniandum, vel burdandum, nec ad alias quascunque Aventuras, &c.*

**Burels.** King Henry the Third granted to the Citizens of London, that they should not be vexed for the *Burels*, or Cloath listed according to the Constitution made for Breadth of Cloath, in the ninth Year of his Reign. See *Stow's Survey of Lond. f. 297.*

**Burg, Burgus.** See *Burgh* and *Borough*.

**Burgage** (*Burgagium*, Fr. *Bourgage*) is a Tenure proper to *Boroughs*, whereby the Inhabitants by ancient Custom, hold their Lands or Tenements of the King, or other Lord of the *Borough*, at a certain yearly Rent. It is a Kind of *Socage*,

says *Swinburn*; p. 3. sect. 3. num. 6. *Ad militiam non pertinet, habetur ideo inter ignobiles tenuras.* Mentioned 37 H. 8. cap. 20. *Item non utimur facere fidelitatem vel Servitium forinsecum Dominis seodorum pro terris & tenementis nostris, nisi tantummodo redditus nostros de eisdem terris exeuntes; quia tenemus terras & tenementa nostra per Servitium Burgagii, ita quod non habemus Medium inter nos & Dominum Regem MS. Codex de LL. Statutis & Consuetud. Burgi-villæ Mountgomer. a temp. H. 2. Burgage was also anciently used for a Dwelling-house in a Borough-Town.*

*Sciant* — *Quod ego Editha filia Johannis de Aula in ligea virginitate & potestate mea dedi* — *Deo & Beate Maria & omnibus Sanctis & Eleemosynaria Leominstr. pro salute Anime mee* — *In liberam, puram & perpetuam Eleemosynam totum illud Burgagium cum edificiis & pertin. suis quod jacet in Villa Leominstr. Ex libro chartarum Priorat. Leom.*

*Burgagium liberum* was when the Tenants had paid their yearly Rent to the superior Lord, they were free from all other Services.

*Burgbote*, Compounded of *Burg*, *Castellum*, and *Bote Compensatio*, signifies a Tribute or Contribution towards the Building or Repairing of Castles or Walls of Defence, or toward the Edifying a Borough or City; from this divers had Exemption by the ancient Charters of the Saxon Kings, whereupon it is usually taken for the Exemption or Liberty it self, *Rast. Exposition of Words. Fleta*, says, *Significat quietantiam reparationis murorum Civitatis vel Burgi, lib. 1. c. 47.*

**Burg-English.** See *Borrow-English*.

**Burgemote**, Sax. *Curia vel conventus Burgi vel Civitatis*; the Borough-Court. — *Et habeatur in an. ter Burgesmotos, & Schiremotus his, nisi sapius sit, & intersit Episcopus & Aldermannus, & doceant ibi Dei rectum & seculi. LL. Canuti. MS. cap. 44.*

**Burgesses** (*Burgarii & Burgeses*) are properly Men of Trade, or the Inhabitants of a Borough or walled Town; yet we usually apply this Name to the Magistrates of such a Town, as the Bailiff and *Burgesses* of *Leominster*. But we do now usually call those *Burgesses* who serve in Parliament for any such Borough or Corporation. *Filius vero Burgensis etatem habere tunc intelligitur, cum discrete sciverit Denarios numerare & pannos ulnare & alia paterna negotia similiter exercere. Glanville, lib. 7. cap. 9.* In Germany, and other Countries, they confound *Burgess* and *Citizen*; but we distinguish them, as appears by the Statute 3 R. 2. ca. 4. where the Classes of this Common-wealth are thus enumerated. Count, Baron, Banneret, Chevalier de Countee, Citezein de Citee, *Burgess* de Burgh. See the Statute of *Merton*, c. 7. and *Coke on Litt. fol. 80.*

*Burgh*, *Burh*, *Borough*, are derived from the Saxon *Burgh*, i. e. *Oppidum, Castrum*; or rather from the Goth. *Berg, Rupes, Saxum*: For in ancient Times, Towns were built on Hills, and afterwards removed into Vales for the Scarcity of Water on Hills.

*Burghbreech* alias *Borhbrech* (Sax. *Burbbrice*, i. e. *Fidejussionis fractio, vel plegii violatio*) Angli omnes decenvirali olim fidejussione pacem regiam stipulati sunt; quod autem in hanc commissum est, *Burghbrech* dicitur, ejusque cognitio & vindicta, Regiis Chartis, plurimis credebantur, pro quorum dignitate, multa alias levior fuit, alias gravior. Vid. LL. Canuti, cap. 55. *Burghbriech*, i. e. *Lasio libertatis*

aut septi. Gallice, *blesmure de Courte ou de close*. Polychr. lib. 1. cap. 50.

**Burgherifh.** — *Ista consuetudines pertinent ad Taunton, Burgerifh, Latrones, pacis infractio Hamfare, Denarii de Hun. & Denarii S. Petri MS. Cambdeni, penes Will. Dugdale Armig. quare.* The Word occurs in *Domesday Book*, sub tit. *Somerfet. Epif. Winton. Tanton. Ista consuetudines, &c.* So a Charter of *Edmund King*, Anno 944. in *Will. Malmesbury*, lib. 2. de Gestis Rerum Angl. — *Concedo Ecclesie S. Mariz — jura, consuetudines, & forisfacturas, — i. e. Burgherifh & hundred. Setbna, &c.* Mr. Sommer thinks it should be *Burghbrich*.

**Burghware** (q. *burgi vir*) A Citizen or Burges. *Willielmus Rex salutat Willielmum Episcopum & Goffredum Portgrefium & omnem Burghware infra London. Charta Willielmi fen. Londinensibus concessa.*

**Burglary, Burglaria**, Is compounded of two French Words, *Bourg, Pagus*, and *Larcin, furtum*, or *Laron, fur*. Co. lib. 4. fol. 39. It is in the legal Sense defined to be, a felonious entring into another Man's Dwelling, wherein some Person is, or into a Church, in the Night-Time, to the End to commit some Felony, as to kill some Man, or to steal somewhat thence, or to do some other felonious Act, albeit he executes not the same. *West, Symb. part 2. Tit. Indictments, sect. 56.* Burglary in the natural Signification, is nothing but the Robbing of a House; but as it is *Vox Artis*, the Lawyers restrain it to robbing a House by Night, or breaking in with an Intent to rob or do some other Felony. The like Offence committed by Day, they call *House robbing*, by a peculiar Name. How many ways Burglary may be committed, see *Crompt. Just. of Peace*, fol. 28, 29, 30. and 3 par. *Inst. fol. 363.* The Offenders shall not have Benefit of the Clergy. 18 El. 7.

**Buri**, i. e. Husbandmen. 'Tis mentioned in the *Monast. 3 Tom. pag. 183, viz. in Upton sunt 18 Villani, 11 Bordarii, & duo Buri & Presbyteri.*

**Burlimen.** See *Sucking*.

**Burneta**, i. e. Cloath made of died Wool: *Brunus Color* may be made with Wool without dying, which we call *Medlies* or *Ruffet*; but a *burnet Colour* must be died.

**Burrochium**, A *Burrock*, or small Wear, where Wheels are lay'd in a River, for the Taking of Fish.

**Bursa**, A Purse — *Reddendo inde ad Bursam Abbatis, xvi. d. ad festum Sancti Michaelis, &c.* Ex lib. Cart. Priorat. Leom.

**Bursaria**, The *Bursery*, or Exchequer of Collegiate and Conventual Bodies, or Place of receiving, and paying, and accounting by the *Bursarii*, *Bursers*. A. D. 1277. *Computaverunt Patres Radulphus de Meriton & Stephanus de Oxon. de bursaria domus Berneestre coram Auditoribus. Paroch. Antiq. p. 288.*

**Bursarii**, This Word did not only signify the *Bursars* of a Convent or College, but formerly all Exhibitioners, or stipendiary Scholars at *Paris*, were called *Bursarii*, as they lived on the Burse or Fund, or Contribution of Benefactors. — *In ea Universitate (sil. Oxon.) sunt clava Collegia a Regibus, Reginis, Episcopis, & Principibus fundata, & ex stipendiis eorum Scholastici plurimi utuntur, quos Parisiis Bursarios vocamus.* Joh. Major, Gest. Scot. lib. 1. cap. 5. So among the *Cistercian Monks*, the *Bursarii* were the Novices or Young Scholars sent to the University, and there maintain'd

by the Religious out of their publick Burse, or Stock.

**Burse**, A Word used in *Domesday*, of which Mr. Agar thus: It may be this Word is written for *Bury*, which sometimes I read in this Book, and *Bure* is that which the Dutchmen call a *Bore*, *Colonus*, a Peasant.

**Bursholders.** See *Borrow-Holders*.

**Burp.** See *Berrie*.

**Busca and Buscus** (Fr. *Busche*) Underwood, Billet, also Brushwood. *Rex, dilectis & fidelibus suis Rad. de Sandewico & Johanni de Bland. — quod rogorum artifices ipsos rogos qui in Civitate (London) & villis predictis, ex Busca, vel carbone Bosci fieri consueverunt, jam de novo, prater solitum, ex carbone marino concremant & componunt. Pat. 35 E. 1. m. 4. dorso.* See *Busta*.

**Busones Comitatus**, for *Bavones*: *Fusticiarii vocatis ad se quatuor vel sex, vel pluribus de Majoribus comitatus, qui dicuntur Busones comitat. & ad quorum nutum dependent vota aliorum. Braet. lib. 3. tract. 2. c. 2. num. 1. Sed quare.*

**Bussa**, i. e. a great Ship.

**Butellus**, A Bushel; from *Buza, Butta, Buttis*, a standing Measure of Wine; *Butticella, Butticellus, Bussellus*, a less Measure. From the old Gall. *Bouts*, leathern Continents of Wine. Whence our *Leather Boots*, and *Buskins* and *Budget*, and *Bottles*. Sax. *Bytta*, used for Bottles in the *Saxon Gospel*, St. Mat. 9. 17. The Bags of Leather, in which they lately carried Water, from the *Severn*, to the City of *Worcester*, were hence called *Byttes*, and each Load of Water was termed a *Bytte* of Water. See Mr. Kennet's *Glossory* in *Bussellus*.

**Busta, & Bustus**, — *& unam Carrehatam Buste singulis septimanis in Bosco predicto.* Mon. Angl. 1 par. f. 473. b. Firewood, properly the lopping of Trees. Et auxi *Johan. Ate Gate prist bouche & Carboun a la mountance xxviii. s. iii d. saunz paiement.* Pla. Parl. 14 Ed. 2. Elsewhere I find, *cum spinis & bustis*, where 't seems to signify *Trowse* or *Tynet* for Repair of Hedges.

**Butt**, (*Butticum*) As a Butt of *Malmsey*, containing at least 126 Gallons, an. 1. R. 3. c. 13. It signifies also the Place where Archers are wont with their Bows and Arrows to shoot at a Mark, which we at this Day call *Shooting at the Butts*. There is also a Measure called a *Salmon Butt*, which contains 84 Gallons. Lib. Assis. and Stat. 2 H. 6. c. 11.

**Buttes**, The Ends or short Pieces of Land in Arable Ridges and Furrows. See *Abbuttare*.

**Butescarl.** See *Buzcarles*. *Chronicon, Sax. pag. 172.*

**Butlerage** of *Wines* signifies that Imposition upon Sale Wine, brought into the Land, which the King's Butler, by Virtue of his Office, may take of every Ship; that is, two Shillings of every Tun of Wine imported by Strangers. Rot. Parl. 11 H. 4. an. 1 H. 8. c. 5. See more in *Botiler of the King*, and *Prisage*. The Stat. 12 Car. 2. c. 24. for taking away of *Purveyance*, Does not extend to Prejudice the ancient Duties of Butlerage, and *Prisage* of Wines, but they are to continue as before the making this Act. See *Caltbrop's Reports* of special Cases, pag. 23. and 4 *Inst. fol. 30.*

**Butsecarl, Buthsarle, Butsecarle**, or *Wotescarle*, The same with *Boatswain*, or *Mariner*, Seld. Mar. Claus. 184.

**Butrun terræ**, A Butt of Land. — *De di decem acras & unum butrum terræ, cum capucis* &

Et *sidingis prati*, ad eandem terram pertinentibus. Ca. t. III. de Sibbeford, penes Will. Dugdale Mil. Vid. *Abbuttare*, *Butta*.

*Buzcarles* or *Bufcarles* (*Buscarli* & *Buthsecarli*) Sunt qui portus nauticos custodiunt: Mariners or Seamen. Quando Rex ibat in expeditionem vel terra vel mari, habebat de hoc Manerio aut xx sol. ad pascendos suos *Buzecarl.* aut unum hominem ducebat secum pro honore quinque *Hidarum*. Domest. Tit. Wilsf. Wilton. And Selden's *Mare clausum*, fol. 184. where it is written *Butsecarli*. See *Bat-swain*.

*Buzo-onis*, — Gulielmus de Grefeley tenet maner. de Drakelow, Com. Derb. in capite per servitium reddendi unum arcum sine corda, & unam pharetram de tutesbit, & duodecim sagittas flestatas, & unum buzonem. Radulphus de Stopham tenet maner. de Brianstan, Com. Dorset. per Serjantiam, inveniendi Domino Regi garcionem deferentem unum arcum sine corda, & unum buzonem sine pennis. S. Ed. 1. — It seems to be the Shaft of an Arrow, before it is fledged or feathered.

*Buzones* *Judicioum*, *Placita de temp. Johannis Regis, Glouc.* 139. See *Bufones Comitatus*.

*Bydalle*, (*Anno 26 Hen. 8. cap. 6.*) See *Bidale*.

*Bye*, *Bee*, Words ending in *Bye* and *Bee* are derived from the Saxon *Bye*, which signifies a dwelling Place or Habitation.

*Byrlaw* or *Laws of Burlaw*, (*Leges Rusticorum*, from the Germ. *Baur*, i. e. *Rusticus*, & *Lauch*, *Lex*.) Laws made by Husbandmen, or Townships, concerning Neighbourhood, to be kept among themselves. *Skene*, pag. 33. See *Bilaws*.

*Byzn* and *Byznau*, i. e. *Lorica*.

## C.

**L**ITERA C. apud Veteres nota fuit condemnationis, unde Proverbium inter Græcos τὸ χ' ὑδὲν νομίζουσιν ὑδὲν ἴδ' K.

*Caballa*, Belonging to a Horse; from the Lat. Word *Caballus*. Domestday, Mr. Agar.

*Cablith* (*Cablicium*) among the Writers of the Forest Laws, signifies *Brush-wood*, or *Browse-wood*: *Crompt.* *Furisd.* fol. 163. But Sir Henry Spelman thinks it more properly signifies *Wind-faln-wood*, because it was written of old *Cadibulum*, from *cadere*: Or, if derived from the French *Chablis*, it also signifies *Wind-faln-wood*. Item dicunt, quod *Ceppege*, & *Cablicia vento prostrat. valent per an. dimid. Marce.* Inq. de an. 47 H. 3. nu. 32. Et debent habere quicquid vento prosterntur præter *Cablicium*, quod pertinet ad Dominum Regem. Rieley Pla. Parl. fol. 652.

*Cabo de bona Esperanza*. See *Cape de bona Esperanza*.

*Cachepollus*, A Pursevant, a Bailiff, a Catchpole. — In stipendiis Ballivi xlii s. iv d. in stipendiis unius Præpositi xxvi s. xxvi d. in stipendiis unius Cachepolli per An. ix s. viii d. Consuetud. Domus de Farendon. MS. fol. 23.

*Cartrellus*, i. e. An inferior Bailiff: 'Tis mentioned in *Thorn*, viz. *Seneschallus* & *custodes nostri diligenter inquirent de injuriis per Chacherellos Vicecomitis*, &c.

*Catia*. See *Chacea*.

*Cacor* and *Chacor*, i. e. An hunting Horse, viz. *Dederunt mihi unum Chacorem*; in another Charter 'tis writ *ca:orem*, *Leg. Willi.* 1. cap. 22, 23. Mr. Selden tells us, that he did not understand the Signification of this Word in the History of the

Foundation of the Abbey of *Kingswood* in *Gloucestershire*.

*Cade* of *Herrings* is 500, of *Sprats* 1000. *Book of Rates*, fol. 45. Yet I find anciently 600 made the *Cade* of *Herrings*, six Score to the Hundred, which is called *Magnum Centum*.

*Cadet*, The younger Son of a Gentleman.

*Caducus* *Hozbus*, The Falling-sickness, or *Epilepsie*. — A. D. 1227. *Willielmus Scottus Archidiaconus Wigorn. electus Episcop. Dunelm. contra quem objectum est quod non fuit natus de terra Regis Angliæ, & insuper morbum caducum patiebatur.* Chron. Priorat. Dunstaple MS. Bibl. Cotton. Tiber. A. 10.

*Cæp gildum*, i. e. The restoring Goods or Cattel, from the Sax. *Cæp*, *Merx*, & *Gildan*, *solvere*.

*Cærmarten*. See *Maridunum*.

*Cæsaromagus*, *Brentwood* in *Essex*.

*Cagia*, A Cage for Birds, a Coop for Hens. — *Mandatum est Vicecom. Wilt. quod emat in ballioa sua 100 bacones, & 300 gallinas, cum cagiis, in quibus eadem gallina poni possunt.* Ex Rot. Claus. 38 H. 3. m. 9.

*Calamitus*, The Word seems us'd for a Strick, or Gag put into the Mouth of Dogs, to prevent their Barking. — *Ignaviter & profus inutiliter, veluti canes non latrantes, sed tanquam in ore calamitum habentes, Ecclesie bonis in ubare.* Giral. Cambrensis apud Whartoni Angl. Sac. P. 2. p. 614.

*Calamus*, Is a Cane, Reed, or Quill; the divers Kinds whereof you have in *Gerrard's Herbal*, lib. 1. cap. 24. This is compriz'd among Merchandise, and Drugs to be garbled, by 1 *Fac. cap.* 19.

*Calangium* & *Calangia*, Challenge, Claim, or Dispute. *Sciant* — quod ego *Godefridus de Dedenful*, cum assensu *Amilie uxoris mee*, dedi — Deo & *Beate Marie* & *Dominis meis Priori* & *Conventui Wigorn.* in pura & perpetua elemosyna unam acram terre — sine aliqua reclamacione seu calangio, &c. sine dat. penes *Thomam Chyld*. Arm. *Bosuns*, qui fuit in *Calangio* inter ipsum & *Walterum*. Mon. Angl. 2 par. fol. 252. b.

*Calcaria*. *Tadcaster* in *Yorkshire*.

*Calcea*, *Calceia*, A Road or Highway, maintained and repaired with Stones, and Rubbish; from the Latin *Calx*, Chalk, French *Chaux*; whence their *Chanffee*, our *Cause-way* or Path raised with Earth, and pav'd with Chalk-stones, or Gravel. *Calcagium*, was the Tax or Contribution paid by the neighbouring Inhabitants toward the Making and Repairing such common Roads. *Calcearum Operationes* were the Work and Labour done by the adjoining Tenants; from which Duty some Inhabitants were, by Royal Charter, especially exempted. See Mr. *Kennet's Glossary*.

*Calcetum*, *Calceata*, *Calcea* & *Catia*, a Causey or Causeway, a hard Way: *De ligno & tabulis Calcetum solidum viatoribus fecit.* Du Cange. See *Causey*.

*Calstpyth*, The Place where a Council was held, supposed to be *Kelcheth* in *Lancashire*.

*Caldaria*, A Cauldron, or Copper. — *Instituabant fieri strepitum maximum & rugosum tudentibus singulis & flagellantibus clipeos & galeas, sellas & asseres, dolia & flascones, pelves & sutellas & caldarias, & quodcunque ad manum erat instrumentum.* Gaufr. *Vinefauf. Ric. Reg. Iter. Jerof.* l. 4. c. 13.

*Calcfagium*.

**Calcfagium**, A Right to take Fuel yearly: *Confirmamus panagium, herbagium & Calcfagium in forefta nofta.*

**Calendizing of Wozfteds**, Spoken of 5 H. 8. cap. 4. and 35 H. 8. cap. 5. It fignifies to fmoother, trim, and give them a Glofs; and is a Trade ufed both in London and Norwich.

**Calends**, *Calenda*, Was among the Romans the firft Day of every Month, to which if we add *Pridie*, it is the laft Day of every Month, as *Pridie Calend. Septemb.* is the laft Day of *Auguft*; if any Number be fet before it, as *Decimo, Nono, Octavo, &c.* *Calend. Sept.* is the 22, 23, 24 of Aug. In March, May, July and October, the *Calends* begin at the Sixteenth Day, in other Months at the Fourteenth; and they muft ever bear the Name of the Month following, and be numbred backwards from the firft Day of the faid following Months; fee more in *Hopton's Concordance*, pag. 69. See alfo *Ides* and *Nones*. *Diffum de Kenelworth* is dated the Day before the *Calends* of November, 1256. In the Dates of Deeds, the Day of the Month by *Nones, Ides* and *Calends*, is fufficient. 2 *Inft.* fol. 675.

**Caliburn**, The famous Sword of King *Arthur*. *Hovenden, & Brompt. in vita R.*

**Calipodium**, *Calapodium*, *Gallipodia*, *Gallieshoes*, *Galafhoes*. Among the Injunctions prefcribed by *Philip Repingdon* Bifhop of Lincoln, to Vicars, Schoolmafters &c. in the Year 1410. it is thus ordained, — *Quod dicti Vicarii & Clerici quicunque & precipue cum fuerint reveltiti in honeftitogis fuis, cum longis manicis qua vulgariter Pokes nuncupatur — bafardos & calapodia deponant, qua in Ecclefia fcriptum faciunt, & generant malum fonum.* *Reg. Repingdon Epife. Lincoln.*

**Caliver**, A great Gun.

**Calked**, i. e. Caft up, alfo calculated.

**Callena**. See *Gallena*.

**Callis**, The King's Highway: 'Tis mentioned in *Huntingdon*, Lib. 1. viz. *Tanta autem gratia inhabitantibus fuit Britanniz, quod quatuor in ea Calles a fine in finem conftruxerunt regia fublimatos auctoritate, &c.*

**Calumniare**, To Challenge, or lay Claim unto. — *Ifta terra calumniata Will. Cbernet.* — *Domesday.* Tit. Hantscire.

**Camadolunum**, Ruins near *Almondbury* in *Yorkshire*.

**Camalodunum**, *Maldon* in *Essex*.

**Cambozium**, *Cambridge*.

**Cambrætonium**, *Brettenbam* in *Suffolk*.

**Cambridge**. See *Camhoritum*.

**Camera**, From the old German *Cam*, *Cammer*, Crooked: Whence our Englifh *Kembo*, Arms in *Kembo*; a *Comb*, in the North a *Camb*; the prefent *Irifh* ufe *Cama* for a Bed: *Camera* fignified at firft any winding or crooked Plat of Ground. *Tres cameros ad vineam — unam cameram terra — i. e.* a Nook of Ground. *Vide Du Fresne in voce.* The Word was afterwards applied to any vaulted or arched Building, efpecially to an open Stall, or Shop for Sale of Goods; and was by Degrees more particularly reftained to an Upper Room, or Chamber. See Mr. *Kennet's* Gloffary to parochial Antiquities.

**Camica**, *Camlet*, or a fine Stuff made at firft purely of Camel's Hair. — *Ricardus de Bury Epife. Dunelm. contulit Ecclefia veftimentum de nigra camica, cum tribus capis ejufdem feftæ.* *Hift. Dunelm. apud Whartoni Angl. Sac. P. 1. p. 766.*

**Camifia**, A Garment of the Prieft, called the *Alb*; *Inditus camifia linea qua communi nomine dicitur Alb.* *Pet. Blefenfis, Serm. 41.*

**Camoca**, A Garment made of Silk, or something better: *Unum veftimentum pro ferialibus diebus album de camoca.* *Monafticon, Tom. 3. part 2. pag. 81.*

**Campana bajula**, A fmall portable Hand-bell, much in ufe among other ceremonious Fopperies of the Roman Church; and ftill innocently retained among us by Sextons, Parifh-Clerks, and publick Criers. — *Quatuor eas muneribus Patriarcha donavit, Altari videlicet portatili confecrato, campana bajula, baculo infigni, & tunica ex auro contexta. Reverti in patriam fua quisque dona miraculoſe percepit. David quidem in Monafterio cui nomen Langevilach nolan & Altare.* *Girald. Cambr. apud Whartoni Angl. Sac. P. 2. p. 637.*

**Campartum**, Any Part or Portion of a larger Field, or Ground; *Champerty*, a Share or Divifion of what would otherwife be in grofs or common — *Rex cuftodi Infularum de Gernſey, &c. in perpetuam reddantur decima de camparto noſtro in eadem Inſula — Dat. 27 Nov. 19 H. 3.* *Prinne Hiftor. Collect. vol. 3. p. 83.*

**Camptum**, Ufed for a Corn Field. *Alicia de Chapele furabatur 35 garbas de Camperto Regis, de quo factio indiſſata, fugit ad Ecclefiam.* *Pet. in Parl. 30 Ed. 1.*

**Camptight**. See *Champion*, and 3 *Inft.* fol. 221.

**Campus Martii**, *Mai*, Was an Aſſembly of the People every Year upon *May-day*, where they confederated together to defend the Kingdom againſt Foreigners and all Enemies. *Leges Edw. Confefſor. cap. 35. Denuo in Campo Martii convenere, ubi illi qui Sacramentis inter illos pacem confirmare, Regi omnem culpam impoſuere.* *Sim. Dunelm. Anno 1094. Du Cange.*

**Cancellare manus**, To cancellate the Hands, i. e. to lay them tranſverſe or a crofs one another, as the poor Children on the Foundation of Queen's College Oxon, do attend the *Provost* and *Fellows* at Table, *Manibus cancellatis*, with their Hands leaning acroſs on the one Side of the Table. — *Extendit collum genuſteſcendo cancellatis manibus ſuper peſtus ſuum, ita decollatur.* *Clem. de Maydeſtan, de Martyrio Ric. Scrope Archiep. Ebor. apud Whartoni Angl. Sac. P. 2. p. 373.*

**Candlemas-day**, (*Sax. Candelmaerre*) The Feaſt of the Purification of the bleſſed Virgin *Mary* (2 Feb.) inſtituted in Memory and Honour, both of the Prefentation of our bleſſed Lord, and the Purification of the bleſſed Virgin in the Temple of *Jeruſalem*, the fortieth Day after her happy Child-birth, performed according to the Law of *Mofes*, *Levit. 12. 6.* It is called *Candlemas*, or a *Maſs* of *Candles*, becauſe, before *Maſs* was ſaid that Day, the Church bleſſed, that is, deputed or ſet apart for ſacred Uſe, *Candles* for the whole Year, and made a Proceſſion with hallowed *Candles* in the Hands of the Faithful, in Memory of the Divine Light, wherewith Chriſt illuminated the whole Church at his Prefentation, when old *Simeon* ſtilled him, *A Light to the Revelation of the Gentiles, and the Glory of his People Iſrael.* *St. Luke 2. 32.* This Feſtival Day is no Day in Court, and is the *Grand Day* of *Candlemas* Term in the Inns of Court.

**Canes opertiz.** — *Et debent habere Canes opertias ex omni genere canum, & non impeditas.* *Antiq. Cuſtumar. de Sutton Colfield.* Dogs with whole Feet, not lawed.



**Canestellus**, A Basket. In the Inquisition of Serjeancies, and Knights Fees, in the 12 and 13 Years of King *John*, for *Essex* and *Hertford*, — *Johannes de Listone tenet* — per Serjantiam faciendi canestellos, i. e. *John of Liston*, held that Manor by the Service of making the King's Baskets. *Ex libro Rub. Seacc. fol. 137.*

**Canfara**, A Trial by hot Iron, formerly used here, which see in *Ordeal*, a *candente ferro*: *Si inculpatus sit, & se purgare velit, eat ad ferrum calidum, & adlegiet manum ad canfam quod non falsum fecit*: Where *canfara* is interpreted for *candens*. *Du Cange.*

**Canipulus**, A short Knife or Sword: *Ne quis viator canipulum deferret vel arcum.* *Rad. de Dico. to, Anno 1275.*

**Canua**, A Rod in measure of Ground, or Distance. — *Papa Clem. IV. Pont. sui An. 1. concedit Generali & Provincialibus Ministris ac universis Fratibus Ordinis Minorum Fratrum in Anglia — ut nulli Seculari vel Religioso Ecclesiam vel Monasterium seu Oratorium jam edificatum in aliquem locum transferre liceat infra spatium 300 cannarum ab ipsorum Ecclesiis mensurandarum.* — *Volumus quamlibet ipsarum cannarum octo palmorum longitudinem continere.* *Ex. Registr. Walt. Giffard Archiep. Ebor. f. 45.*

**Canon**, The Word was formerly used for any Prestation, Pension, or other customary Payment. — *Si vero dicti Prior & Monachi aliquo predictorum terminorum transierint a solutione firme dicta Ecclesia de Rading, prater debitum canonem illius termini dimidiam marcam argenti,* — *Cartular. Rading. MS.* — *Willielmus Episc. Wigorn. concessit Abbati & Conventui de Evesham Annum Canonem xv. marc. ad constructionem operis Ecclesia de Evesham, de Ecclesia de Ambresbury. Test. Simone Abb. Perfore. Petro Archid. Wigorn.* *Ex Cartul. Abbatia de Evesham. MS. Cotton. fol. 13.*

**Canonium**, *Chelmsford* in *Essex*.

**Canon Religiosorum**, A Book wherein the Religious of every greater Convent had a fair Transcript of the Rules of their Order, frequently read among them as their local Statutes; Which Book was therefore called *Regula*, and *Canon*. The publick Books of the Religious were these four. 1. *Missale*, which contained all the Offices of Devotion. 2. *Martyrologium*, a Register of their peculiar Saints, and Martyrs, with the Place and Time of Passion. 3. *Canon or Regula*, the Institution and Rules of their Order. 4. *Necrologium* or *Obituarium*, in which they entred the Death of their Founders and Benefactors, to observe the Days of Commemoration for them. But as the two first, so likewise the two latter were sometimes joined in the same Volume. — *Mr. Kennet's Glossary.*

**Canter** (*Canellum*, velut *quantillum*) is that which is added above Measure. *Nullum genus bladi vendatur per cumulum seu Cantellum, prater Avenam, Brasum & farinam.* *Stat. de Pistor. cap. 9.* It seems also sometimes to signify the same with that we now call Lump, as to buy by Measure, or by the Lump. See *Polton, Temp. H. 3. E. 1. or E. 2. cap. 4 & 9.* It signifies also a Piece of any Thing, as a *Canter* of Bread, Cheese, and the like.

**Canterbury**. See *Dorchester*.

**Cantred**, Or rather *Cantref*, (*Cantredus*) signifies an Hundred Villages, being a British Word compounded of the Adjective *Cant*, i. e. an Hundred, and *Tret*, a Town or Village. In

*Wales* the Counties are divided into *Cantreds*, as in *England* into *Hundreds*. The Word is used *Anno 28 Hen. 8. cap. 5.* See *Commote*. See also *Mr. Kennet's Glossary*, in *Verbo Cantredum*.

**Capacity**, *Capacitas*, An Ability, or Fitness to contain or receive: In Law it signifies, when a Man, or Body Politick, is able to give or take Lands, or other Things, or to sue Actions. As an Alien born, hath a sufficient Capacity to sue in any personal Action; but in a real Action, it is a good Plea to say, *He is an Alien born*, and pray, *If he shall be answered.* *Dyer, fol. 3. pla. 8.* If a Man enfeoffs an Alien and another Man, to the Use of themselves, or, &c. it seems that the King shall have the Moiety of the Land for ever, by Reason of the Incapacity of the Alien. *Dyer, fol. 383. pla. 31.* By the Common Law, no Man hath Capacity to take Tithes but Spiritual Persons, and the King, who is a Person mixt, our Law allowing him two Capacities, a Natural, and a Politick. In the first he may purchase Lands to him and his Heirs; in the later, to him and his Successors; and a Parson hath the like: But a Layman, who is not capable of taking Tithes, was yet capable to discharge Tithes in the Common Law in his own Land, as well as a Spiritual Person. See *Co. lib. 2. fol. 44.*

**Capa de bona Speranza**, Or the Cape of Good Hope: A Promontory that lies in *Africa*, within the Tropick of *Capricorn*, on the Edge of *Ethiopia* inferior, and first discovered by the Portuguese, under the Command of *Bartholomew Dias*, about the Year 1491. See *Speed's Map of Asia*, in his *Theatr. Brit.* It is mentioned in the Statute 12 *Car. 2. cap. 18.*

**Cape**, Is a Writ Judicial, touching Plea of Land or Tenements; so termed (as most Writs be) of that Word in it self, which beareth the chiefeft End and Intention thereof. And this is divided into *Cape Magnum*, and *Cape Parvum*, both which (as is before said in *Attachment*) take hold of Things immoveable, and seem to differ between themselves in these Points: First, Because *Cape Magnum*, or the *Grand Cape*, lieth before Appearance, and *Cape Parvum* afterwards. Secondly, The *Cape Magnum* summoneth the Tenant to answer to the Default, and over to the Demandant. *Cape Parvum* summoneth the Tenant to answer the Default only; and therefore is called *Cape Parvum*, or in the *French* *Englisch* *Petit Cape*. *Old Nat. Brev. fol. 161, 162.* Yet *Ingham* saith, That is called *Petit Cape*, not because it is of small Force, but for that it consisteth of few Words; *Cape Magnum*, in the *Old Nat. Brev.* is thus defined; This is a Judicial Writ, and lieth where a Man hath brought a *Præcipe quod reddat* of a Thing that toucheth Plea of Land, and the Tenant make Default, at the Day to him given in the Writ Original, then this Writ shall go for the King, to take the Land into the King's Hands, and if he comes not at the Day given him by the *Grand Cape*, he has lost his Land, &c. A Precedent and Form of this Writ, you may see in the *Register Judicial*, f. 2. b. It seemeth after a Sort to contain in it the Effect (*missionis in possessionem & primo & secundo decreto*) among the Civilians: For as the first Decree seizeth the Thing, and the second giveth it from him that the second Time defaulteth in his Appearance: So this *Cape* both seizeth the Land, and also assigneth to the Party a farther Day of Appearance; at which, if he come not in, the Land is forfeited: Yet is there Difference

Difference between these two Courses of the Civil and Canon Law. First, For that *missio in possessionem* toucheth both Moveable and Immoveable Goods, whereas *Cape* is extended only to Immoveable. Secondly, That the Party being satisfied of his Demand, the *Remanet* is restored to him that defaulted; but by the *Cape*, all is seized without Restitution. Thirdly, *Missio in possessionem* is to the Use of the Party Agent, the *Cape* is to the Use of the King: Of this Writ, and the Explication of the true Force and Effect thereof, read *Bracton. lib. 3. tract. 3. ca. 1. n. 4, 5, 6.* See *Cape ad valentiam*.

*Cape Parbum*, In the *Old Nat. Brev. fol. 162.* is thus defined; This Writ lieth in Case where the Tenant is summoned in Plea of Land, and cometh at the Summons, and his Appearance is of Record; and after he maketh Default at the Day that is given to him, then shall go this Writ for the King, &c. The Difference between the *Grand Cape* and *Petit Cape*, (which in Effect or Consequence are alike) is that the *Grand Cape* is awarded upon the Defendant or Tenant's not appearing or demanding the View in such real Actions, where the original Writ does not mention the Parcels or Particulars demanded; and the *Petit Cape* after Appearance or View is granted. Of this likewise you may see the Form in the *Register Judicial, fol. 2.* Of both these Writs, read *Fleta, lib. 2. cap. 44. sect. Magnum & seq.*

*Cape ad valentiam*, Is a Species of *Cape Magnum*, so called of the End whereunto it tendeth. In the *Old Nat. Brev. fol. 161, 162.* it is thus described, This Writ lieth, where any is impeached of certain Lands, and I vouch to warrant another, against whom the Summons *ad Warrantizandum* hath been awarded, and the Sheriff cometh not at the Day given, then if the Demandant recover against me, I shall have this Writ against the Vouchee, and shall recover so much in Value of the Land of the Vouchee, if he have so much; and if he have not so much, then I shall have Execution of such Lands and Tenements as descend to him in Fee-simple; or if he purchase afterward, I shall have against him a Re-summons; and if he can say nothing, I shall recover the Value. Here note, That this Writ lieth before Appearance. Of these Writs and their divers Uses, see the Table of the *Reg. Judicial, verbo Cape*.

*Capella*, Before the Word Chapel was restrained to an Oratory, or depending Place of divine Worship, it was used for any Sort of Chest, Cabinet, or other Repository of precious Things, especially of Religious Relicks.—*Regnante Stephano, Nigellus Episc. Eliensis, pro imminente sibi negotio auxilium Domina Imperatricis, & suorum colloquium requirendum putavit. Qui dum pergerit Homines Regis invadunt, absque miseratione bonis suis dispoliant, Equos & indumenta, insuper Capellam optimam, quam Episcopus secum de Ecclesia tulerat, in contaminatis manibus rapiunt.* Hist. Elien. apud Whartoni Angl. Sacr. P. 1. p. 622. The Institution and Dependence of Chapels, and their *Capellanes*, with the Dignities and Liberty of Mother-Churches, is discoursed at large in Mr. Kennet's Paroch. Antiq. p. 580.

*Capella de floribus*, A Chaplet, or Coroner, or Garland of Flowers for the Head.—*Tanta varietas & lascivia apparet in familia Prelatorum multorum in vestibus partitis, & virgatis, capellis de floribus, & corrigiis deauratis, &c.* Opuscul. Tripartit. apud Fasciculum Rerum, &c. Append. p. 225.

*Capella lineata*, A Head-piece lined, *Abbas de Nevele tenet in com. Lincoln.*—*per servitium reddendi Domino Regi unam Capellam lineatam de Sydnone, & unum Par calcarium deauratum.*—*Tenures, p. 64. An. 9 Ed. 1.*

*Capellus*, A Cap, Bonnet, Hat, or other Covering for the Head.—*Capite discooperto, sine capello, cum una garlanda de latitudine minoris digiti sui.*—15 Joh. *Tenures, p. 32.*

*Capellus Militis*, A Helmet, or military Head-piece.—*Quando moritur, dabit similiter relevium modo quo prius, nisi habuerit equum, & tunc heres ejus veniet ad curiam Domini cum equo meliori, sella, frano, & capello, gladio & calcaribus.*—*Consuetud. Domus de Farendon, MS. f. 21.*

*Capias*, Is a Writ of two Sorts, one before Judgment, called *Capias ad respondendum*, in an Action Personal, where the Sheriff upon the first Writ of Distress in Personal Actions returns *Nihil habet in balliva nostra*, and the other is a Writ of Execution after Judgment, being of divers Kinds, viz. *Capias ad satisfaciendum, Capias pro fine, Capias Utlagatum, Capias Utlagatum & Inquiras de bonis & catallis, &c.*

*Capias ad satisfaciendum*, Is a Writ of Execution after Judgment, lying where a Man recovers in an Action personal, as for Debt or Damages, or *Detinue* in the King's Court; and he against whom the Debt is recovered, and hath no Lands nor Tenements, nor sufficient Goods, whereof the Debt may be levied. For in this Case, he that recovereth, shall have this Writ to the Sheriff, commanding him, that he take the Body of him, against whom the Debt is recovered; and he shall be put in Prison, until Satisfaction made.

*Capias conductos ad proficiscendum* is an Original Writ, which lies by the Common Law against any Soldier that hath covenanted to serve the King in his Wars, and appears not at the Time and Place appointed, directed to two of the King's Serjeants at Arms, to arrest and take him wheresoever he may be found, and to bring him *Coram Concilio nostro*; with a Clause of Assistance. 4 Inst. fol. 128.

*Capias ad satisfaciendum infinite*, (22 & 23 Car. 2. Act for Relief of Soldiers.)

*Capias in Withernamium de Averis* is a Writ lying for Cattle in *Withernam*. *Reg. of Writs, fol. 82, & 83.* See *Withernam*.

*Capias in Withernamium de Homine* is Writ that lies for a Servant in *Withernam*. *Reg. fol. 79, & 80.* See *Withernam*.

*Capias pro Fine* is where one, being by Judgment fined to the King upon some Offence committed against a Statute, does not discharge it according to the Judgment. By this therefore his Body is to be taken, and committed to Prison untill he pay the Fine. *Coke, lib. 3. fol. 12.* Or where, upon a *Non est factum* pleaded, his Plea is by Evidence, or his own after Acknowledgement, not made out or verified, and the like.

*Capias Utlagatum* is a Writ which lies against him who is outlawed upon any Action Personal or Criminal; by which the Sheriff apprehends the Party outlawed, for not appearing upon the Exigent, and keeps him in safe Custody till the Day of Return, and then presents him to the Court, there farther to be ordered for his Contempt, who (if in the Common Pleas) was in former Times to be committed to the Fleet, there

to remain till he had sued out the King's Charter of Pardon, and appeared to the Action. At present, in the *King's Bench*, the *Outlawry* cannot be reversed, unless the Defendant appear in Person, and by a Present of Gloves to the Judges obtain their Favour to reverse it. And in the *Common Pleas* the Defendant (not being an Executor or Administrator) is now to give good Bail (which he is allowed to do by Attorney) to answer the Action, if the Debt or Damage demanded be 20*l.* or above, and to pay the Plaintiff's Charges, before the *Outlawry* be reversed. And by a special *Capias Usagatum* in the same Writ, the Sheriff is commanded, and may seize all the Defendant's Lands, Goods, and Chattels, for the Contempt to the King; and the Plaintiff may (after an Inquisition taken thereupon, and returned into the *Exchequer*) obtain a Lease of the Lands extended, and a Grant of the Goods, whereby to compel the Defendant to appear; which, when he shall so do, and reverse the *Outlawry*, are to be restored to him. See *Old Nat. Brev. fol. 154.* and *Table of Reg. Judic. verbo, Capias.*

**Capita Baroniarum**, The chief Seats of Barons. *Bracton.*

**Capitagium**. See *Cheuage*.

**Capitale**, i. e. the Thing which is stolen, or the Value of it. 'Tis mentioned in *Leg. H. 1. cap. 59. viz. Si furtum redimendum, Capitale redimentis consecret; i. e.* If the Theft be redeemed, let the Thing stolen, or the Value of it, be returned.

**Capitale bimens**, i. e. Live Cattle. In *Leg. Eibelftani. Reddam de meo proprio decimas Deo, tam in Vivente Capitali, quam in mortuis fructibus terra.*

**Capite**, From *Caput*, the Head; and so *Tenure in Capite*, is to hold of the King, the Head of the Commonwealth. It is a Tenure that holds immediately of the King, as of his Crown, be it by Knights Service or Socage, and not of any Honour, Castle, or Manor; and for this it is called a Tenure, which holds merely of the King: For as the Crown is a Corporation, a Signiory in gross, so the King, who possesses the Crown, is in the Eye of the Law perpetually King, never in his Minority. *F. N. B. fol. 5.* Yet a Man may hold of the King, and not in *Capite*; that is, not immediately of the Crown in gross, but by Means of some Honour, Castle, or Manor belonging to the Crown: Of this *Kitchin, fol. 129.* saith well, That a Man may hold of the King by Knight-Service, and not in *Capite*; because it may be he holds of some Honour by Knight-Service, that is in the King's Hands, by Descent from his Ancestors, and not immediately of the King, as of his Crown. And this *Tenure in Capite* is otherwise called, *Tenure holding of the Person of the King.* *Dyer, fol. 44. Broke, Tit. Tenure, nu. 65, 99.* But this Tenure is now abolished, and by 12 *Car. 2. cap. 24.* all turned into free and common Socage. The ancient *Tenure in Capite* was of two Sorts: The one Principal and General, which is of the King; as *Caput Regni*, & *Caput Generalissimum omnium Feodorum*, the Fountain whence all Feuds and Tenures have their main Original: The other *Special* and *Subaltern*, which was of a particular Subject; as *Caput Feudi, seu terra illius*; so called, because he was the first, that created and granted that Feud or Land in such Manner of Tenure: Who was thereupon called *Capitalis Dominus*, & *Caput terra*

*illius*; among the *Feudists*, *Capitaneus Feudi illius. Vid. Spelman of Feuds, cap. 4.*

**Capititium**. See *Cheuage*. 'Tis what we now call *Poll-Money*:

*Improba Romani poscunt a Rege tributa,  
Cujus ad arbitrium disponitur omne tributum,  
Et Capitalitium cogunt appendere summam.*  
Du Cange.

**Capititium**, A Covering for the Head. Sometimes it signifies a Collar of a Coat. 'Tis mentioned in the *Stat. H. 4. Anno 1. Quod si aliquis miles, vel aliqua persona minoris status, det aliquam liberatam pauni vel Capititiorum contra formam statuti, &c.*

**Capituli Agri**, The Had-lands, or Head-lands, that lie at the Head, or upper End of the Lands or Furrows. — *Canonici (Burcester.) concesserunt hominibus de Wrechwike duas acras prati pro capitibus suarum crostarum tenus rivulum versus molendinum, &c.* Mr. *Kennet's Paroch. Antiq. p. 137.* See *Havedeloud.*

**Capitula Ruralia**, Clerical Assemblies, or Chapters held by the Rural Dean, and parochial Clergy within the Precinct of every distinct Deanery; at first every three Weeks, then once a Month, and more solemnly once a Quarter. Of which see the Practice at large, in Mr. *Kennet's Paroch. Antiq. p. 640.*

**Captain, Capitaneus**, Is one that leadeth, or hath Command of a Company of Soldiers; and is either General, as he that hath the Governance of the whole Host; or Especial, as he that leads but one Band. There is another Sort of Captains, *Qui Urbium prefecti sunt, quibus Plebs ab aliquo superiorum gubernanda committitur.* So we have Captains of Castles here in England, as of *Dover*, the *Isles of Jersey, Guernsey, Wight, &c.*

**Capitale**. 'Tis mentioned in *Leg. Ina, cap. 42. apud Brompton*, and it signifies Cattle; viz. *Rustici curtillum debet esse clausum estate simul & byeme; si disclausum sit & introeat alicujus vicini sui Capitale, &c. nihil inde recipiat.* See *Capitale.*

**Caption, (Captio)** When a Commission is executed, and the Commissioners Names subscribed to a Certificate, declaring when and where the Commission was executed, that is called the *Caption*; which commonly begins thus; — *Virtute istius Commissionis nos, &c. or, Executio istius Commissionis patet in quadam Scheda annexata, &c.*

**apture, (Captura)** The Taking of a Prey, a little Gain, in Arrest, or Seizure. *Anno 14 Car. 2. cap. 14.*

**Caputagium**, — In *cujus facti memoriam etiam quatuor denarios de caputagio meo, sicut nos est secularibus talibus facere, super altare Donnicum predicti loci gratanter imponens.* *Dugdale Warwicksh. f. 193. a.* Some think it may signify Head or Pole-Money, or the Payment of it. — But it is indeed the same with *Cheuageum*, *Cheuage*.

**Caput Anni**, New-Years Day, upon which of old was observed the *Festum Stultorum*. So *Caput Kalendarum Maii*, May-day.

**Caput Baronie** is the Castle or Chief Seat of a Nobleman, which is not to be divided among Daughters, (if there be no Son), but must descend to the eldest Daughter, *Ceteris filiabus aliunde satisfactis.*

**Caputia**, (from *Caput*, the Head) is used for the Head, or Hade, of any Land; — *Cum Caputis & Sidlingis prati*. See *Buttum terra*.

**Caput Jejunii**, Ash-Wednesday, being the Head, the Beginning or First Day of the *Quadragesimal*, or *Lent* Fast. Some annual Payments were assigned to be made in *Capite Jejunii*. Mr. Kennet's *Paroch. Antiq.* p. 132.

**Caput loci**, The End of any Place. *Ad Caput Villa*, at the End of the Town: The End or upper Head.

**Car**, and **Char**, The Names of Places beginning with *Car* and *Char*, signify a City; from the Brit. *Caer*, i. e. *Civitas*; as *Carlisle*, and many others.

**Carabanna**, A Caravan, or Joint-company of Travellers in the Eastern Countries, for mutual Conduct and Defence. — *Egressa Carabanna nostra de Joppa versus exercitum veniebat onusta victualibus & aliis clientis necessariis*. — Gaufrid. Vinesauf. Richardi Regis Iter Hierosol. lib. 5. cap. 52.

**Carcan**, Is sometimes expounded for a Pillory.

**Carcanum**, A Prison. *LL. Canuti Regis*.

**Carcatum**, Loaden; as a Ship with her Freight. — *De corpore cuiuslibet magna navis Carcatæ cum rebus venalibus, 4 denar.* Pat 10 R. 2. par. 1. m. 30.

**Carcellage**, The Fees paid to a Goaler when the Prisoner is discharged.

**Carcta** and **Carctata**, (Sax. *Cret*, unde *Cart*.) a Cart, or Cart-load. — *Faciunt precarias de Caruca & Carcta, i. e. De aratro & Carro*. Customar. Prior. Lewes MS. — *Quinque Carctatas claufura, ad prædictæ terra claufuram sustinendam*. Mon. Angl. 2 par. f. 340. a.

**Carctata Plumbi**, A Pig, or Mass of Lead, weighing 128 Stone, or 2100 Pounds. — *Saccus lane debet ponderare 28 petras, & solebat ponderare summam frumenti, & sic saccus lane ponderat sextam partem carctatæ plumbi, scil. 20 petras, sexies viginti & octo petre faciunt carctatam plumbi* London. *Summa librarum carctatæ London. duo mille & centum libra, scil. de Waterfothmalet, sex sacci lane faciunt carctatam plumbi*, — Ex Cartular. S. Albani, MS. Cotton. Tiber. T. 6. fol. 260.

**Carctarius & Carctarius**, A Carter. *Sciant quod ego Herewardus Pril Dedi* — *In liberam, puram & perpetuam Eleemosynam Deo & Altari B. Marie in Conventuali Ecclesia Leominstr. xii d. annui redditus provenientes de quodam Mesuagio in Marisco quod fuit Ricardi Carctarii, &c.* Sine Dat. Ex libro Chart. Priorat. Leominstr. See *Carreta*.

**Caristia**, Dearth, Scarcity, Dearness, — *Rex Majori & Vic. London, Salutem. Querela Archiepiscoporum, Comitum, quod de Bobus, Vaccis, mulionibus, &c. magna & quasi intollerabilis est Caristia hiis diebus sub, &c.* Pat. 8. Ed. 1. m. 14. intus.

**Caritas**, *Ad Caritatem, Poculum Caritatis* A Grace-Cup: Or an extraordinary Allowance of Wine, or other good Liquor, wherein the Religious at Festivals drank in Commemoration of their Founders and Benefactors. So among the Customs of the Abbey of Glastonbury:

*In diebus solemnibus quum fratres fuerunt in cappis, medonem habuerunt in iustis, & simulas super mensam, & vinum ad caritatem, & tria generalia, & quatuor vel quinque pietantias* — *& hæc est assisa quum pro cerevisia vinum debent habere, unusquisque sci-*

*licet habere debet duas caritates in die.* Cartular. Abbat Glaston. MS. f. 29.

**Carke**, Seems to be a Quantity of Wool, whereof thirty make a Sarpler. 27 H. 6. cap. 2. See *Sarpler*.

**Carlisle**. See *Luguvallum*.

**Carnarium**, A Charnel-house, or Repository for the Bones of the Dead. — *In carnario autem subtus dictam capellam Sancti Johannis (in civitate Norwicensi) constituto, ossa humana in civitate Norwici humata de licentia sacriste qui pro tempore fuerit, qui dicti carnarii clavem & custodiam habebit specialem, ut usque ad resurrectionem generalem honestius conserventur, a carnibus integre denudata reponi volumus & observari*. — Cartular. Foundationis Capellæ Sancti Johannis in occid. parte Eccl. Norwic. per Joh. Norwic. Episc. Dat. 4. Pon. Oct. 1316.

**Carno**, Seems to signify an Immunity or Privilege. *Crompt. Jurisd.* fol. 191. *Prior de Melton se & homines suos immunes clamat ab omnibus Amerciamenis in Foresta & ab omnibus Geldis, Footgeldis, Buckfals, Tritis, Carno & Sumag, &c.* Itin. Pick. f. 168. b. *Tributum aliquod fundi domino debitum*, says *Spelman*.

**Carola**, A little Pew, Closet, or other Safehold. — *In correctionibus factis apud Kirkham A. 1279. Injunctum fuit ut Prior, vel Subprior sæpius, vel saltem aliquoties in anno carolas Canoniorum in claustris & alibi in Monasterio faciat in sua presentia aperiri, & res inclusas oculis subiciat, ne per surreptum hujusmodi operiatur facultas seu occasio delinquendi.* Ex Registr. Will. Wickwane Archiepisc. Ebor. f. 76. See *Carrels*.

**Carpeneales**, A course Sort of Cloth made in the North of England, mentioned 7 Jac. 16.

**Cart**, (*Carrus*.) In some Places it is a Kind of Cart with Wheels; in others a Sled, drawn and sliding on the Ground. — *In loco, in quo sumetur quod opus fuerit ad reparationem domorum, carucarum, Carrorum, & ceterorum supellectilium domus.* Charta Gaufridi de Lamay mil. Abbati de Burgo.

**Carragium**, The same with *Cariagium*, a Carriage.

**Carraf**, or *Carref*. The Word was formerly used for any Weight or Burthen, tho' now appropriated to the Weight of four Grains in Diamonds.

**Carrectata terræ**. See *Carucata terra*. *Quod cum ipsa teneat de ipso duas Carrectatas terræ in Conington per homagium, unde duodecim carucata faciunt unum feodum militis.* Co. Litt. Sect. 95. See *Carcta*.

**Carreta**, (*alia Carrecta*) was anciently used for a Carriage, Wain, or Cart-load. *Sciant presentes & futuri, quod ego Henricus de Ribesford Dedi, — Rogero filio Ade Pistoris pro Homagio & Servitio suo totum pratum meum de Wiggemore. Reddend. inde annuatim mihi & heredibus meis ipse & heredes sui unam Carretam fœni rationabilem & bene fœnatam, &c.* Sine dat. Penes Tho. Bridgewater, Gen.

**Carrels**, Closets, or Apartments for Privacy and Retirement. — 'Three Pews or Carrels, where every one of the old Monks had his Carrel several by himself, to which, having dined, they did resort, and there study: — these Pews or Carrels were finely wainscoted, and very close. *Davies Mon. of Durham*, p. 31. Vid. *Carola*.



**Carrick**, or **Carrack**, (*Carrucha*), a Ship of great Burthen; so called of the Italian Word *Carico*, or *Carco*, a Burthen or Charge: Mentioned 2 Rich. 2. cap. 4. *Wals.* in R. 2. pag. 322. *Obuiat magnis coggonibus, & sex Carricis refertis vini speciebus.* And as they were used in Trade, so they were also in War; as *Walsing.* in H. 5. fol. 394. viz. *Galli conduxerant classem magnarum navium Carricarum, &c. qua regnum Anglie molestant.*

**Carrow-seeds**, alias **Carroway-seeds**, Is a Seed springing of the Herb so called, of whose Operation you may read in *Gerard's Herbal*, lib. 2. cap. 396. It is reckoned among the Merchandize, that ought to be garbled, by 1 *Fac.* cap. 19.

**Cartatus**, **Carcatui**, The Word is used of a Ship, or Vessel laden with a Cargo of Goods. — *Quandam navem Cestrix, que in potestate vestra applicuit cartata blado & aliis victualibus, arrestari fecistis.* Claus. 25 H. 3. Brady Hist. Engl. Append. 193. Hence *carcare* to load, *discarcare* to unload a Ship.

**Cartel.** See **Chartel**.

**Caruage**, **Caruagium**. See **Carucata**.

**Caruca**, French **Charrue**, a Plough; from the old Gallic **Carr**, a Plough, which is the present Irish Word for any Sort of wheel'd Carriage. from whence the Sax. **Coorl**, a Ploughman, the Northern **Kurl**, our Southern **Churl**, and in Corruption of Places **Charl**, as **Charlton**, **Charlbury**, &c. **Carl** in the Modern **Welsh**, is a Rustick, or Clown.

**Carucagium**, Was a Tribute imposed on every Plough for the publick Service. *Regi concessum est per totam Angliam Carucagium de qualibet caruca duo solidi argenti.* As **Hidage** was a Taxation by Hides of Land, so **Caruage** was by **Carucats** of Land, which at first was but 4d. for every Plough. — *Dederunt S. Edmundo de qualibet Carucata terra in toto Episcopatu quatuor Denarios annuos, quod usque modo, ea de causa, Carucagium est appellatum.* Mon. Angl. 1 par. fol. 294. a.

**Carucata**, A Plough-land, *Domesday*, Mr. *Agar*. It is a certain Quantity of Land, by which the Subjects have been sometimes taxed; whereupon the Tribute levied upon a Carue of Land, was called **Carugagium**. *Bracton*, lib. 2. cap. 26. n. 8. & cap. 17. It may contain Houses, Mills, Pasture, Meadow, Wood, &c. Co. on Littl. sect. 119. It is sometimes used for a Cart-load, as *Una carucata ligni in foresta nostra.* Mon. Angl. 2 par. f. 311. *Littleton* cap. Tenure in Socage saith, That *Soca idem est quod Caruca*: Yet *Stow* in his *Annals*, pag. 271. makes me doubt; where he saith, The same King **Henry** took **Caruage**; that is to say, Two Marks of Silver of every Knight's Fee towards the Marriage of his Sister **Isabella** to the Emperor, where **Caruage** cannot be taken for a Plough-Land, except there were some other further Division, whereby to raise of every Plough-land so much, and so consequently of every Knight's Fee, that is, of every 680 Acres, two Marks of Silver. *Rastal*, in his Exposition of Words, saith, That **Caruage** is to be quit, if the King shall tax all the Land by **Carues**; that is, a Privilege, whereby a Man is exempted from **Caruage**. *Skene de verb. signif. verb.* **Carucata terra**, deriveth it from the French **Charrow** (more truly **Charrue**) a Plough, and saith, That it contains as great a Portion of Land as may be tilled and laboured in a Year and a Day, with one Plough; which also is called **Hilda**, or **Hida terra**, a Word very fre-

quently used in the *Britain Laws*. *Lambard* among his Precedents, towards the End of his *Eirenarcha*, translates *carucatam terra*, a Plough-land. The Word **Carue** is mentioned in the Statute of Wards and Reliefs, made 28 E. 1. and in *Magna Charta*, cap. 5. See Co. on Littl. fol. 69. a. See Mr. *Kennet's Glossary*, in voce **Carucata**.

**Carucata Boum**, A Team or Draught of Oxen, for drawing or ploughing, which in some Western Parts of England is still called a Plough of Oxen. *Gilbert Basset*, Founder of *Burcester Priory*, grants to it — *Pasturam in mea Dominica pastura ad tres Carucatas Boum trahentium una cum bobus meis trahentibus.* Paroch. Antiquit. p. 135. They are called **Boves de caruca**, in a Charter of *Aubery de Vere*, to the Abbey of *Notley*. *ibid.* p. 155.

**Carucatarius**, He that held Land in Caruage, in Socage, or Plough-Tenure. — *Summa reddituum carucatariorum, si fuerint ad firmam xxii sol. — summa gallinarum carucatariorum & cotariorum cxiv gallina.* Paroch. Antiq. p. 354.

**Cassatum** and **Cassata**, (from the Ital. *Casa*, i. e. *Domus*;) *Habitaculum cum terra idonea ad unam familiam alendam; alias Casamentum: Saxonibus nostris Hide; Beda, Familia.*

*Ego Forterus, famulus famulorum Dei, pro redemptione anime mee, unum Cassatum dedi Aldberto Abbati, que sita est juxta fluvium Aelse, ad portam que dicitur Bledenithe ad insulam parvam, & ad Ecclesiam beati Martini Confessoris, in propriam substantiam. Habendum, Donanteumque cuicumque voluerit. Qui hanc chartam infringere temptaverit, sciat seipsum a Communione Sanctorum separatum & ab omnipotenti Deo. Ego Forterus consensu & sub scriptis Asta est autem hec donatio Anno DCCXII. Indictione prima. Ex Reg. Glaston. Canob. penes Rad. Sheldon, Arm.*

**Cassata** is the same with **Hida**. *Rex Angl. Ethelred.* de 310 **Cassatis** unum trierem, &c. *Hoveden*, Anno 1008, and *Henry Huntingdon*, mentioning the same Thing, instead of **Cassata** writes **Hilda**. *Du Cange*.

**Casslite** is a Saxon Word, and signifies a Mullet; *Si autem post Excommunicationem, &c. venerit forisfacturam suam que Anglice vocatur Thferhynesse seu Cassilite, pro unaqua; vocatione Episcopo reddat, &c.* *Du Cange*.

**Cassia fistula**, Is a Tree that beareth black, round and long Cods, wherein is contained a Pulp soft and pleasantly sweet, serving for many Uses in Physick. This Tree, with the Virtues you may find described in *Gerard's Herbal*, lib. 3. cap. 77. The Fruit is mentioned in the Statute 1 *Fac.* cap. 19. among the Drugs and Spices to be garbled.

**Cassia lignea**, Is a sweet Wood, not unlike the Cinamon, whereof you may read in *Gerard's Herbal*, lib. 1. cap. 19. and comprised among Merchandize to be garbled.

**Cassidile**, A little Sack, Purse, or Pocket: *Protulit in Cassidili toxicum mellitum.* *Matt. Westm.*

**Cassii**, The Hundred of **Caishow** in *Hertfordshire*.

**Cassiterides**, The Isles of **Silly**.

**Cassel**, or **Castle**, **Castellum**, Is well known. In the Time of **Henry** the Second, there were in England 1115 **Casles**; every **Castle** contains a Manor; so that the Constable of a **Castle**, is the Constable of a Manor. 2 *Part. Inst.* fol. 31.

**Castle-guard Rents**, Are Rents paid by those that dwell within the Precincts of any Castle, towards the Maintenance of such as watch and ward the same. *See for settling certain Rents in Trustees*, 22 & 23 Car. 2.

**Castleward**, *Castlegardium*, vel *Wardum Castri*, Is an Imposition laid upon such of the King's Subjects as dwell within a certain Compass of any Castle, towards the Maintenance of such as do watch and ward the Castle. *Mag. Chart. cap. 20. and 32 H. 8. cap. 48.* It is used sometime for the very Circuit it self, which is inhabited by such as are subject to this Service; as in *Stow's Annals*, pa. 632. *Et capere ibidem Castleward*, viz. *De qualibet districtione infra feodum ipsius ducis ad Castellum de Halton ducti, & ibidem una de causa, si per totam noctem pernoctaverit, quatuor denarios*, Pl. apud Cestr. 31 E. 3. *See Stagium.*

**Castellain**, (French *Chastellain*.) The Lord, Owner, or Captain of a Castle, and sometimes the Constable of a Castle, or fortified House. *Bracton*, lib. 5. tract. 2. cap. 16. and lib. 2. cap. 32. num. 2. and used in like Sense. 3 Ed. 1. cap. 7. It is sometimes taken for him that hath the Custody of one of the King's Mansion-Houses, though not a Castle, or Place of Defence. 2 Part. Inst. fol. 31. *Manwood*, Part 1. pag. 113. saith, There was an Officer of the Forest Called *Castellanus*, who had the Command of all or Part of the Forest. Of the Use and Extent of this Officer in France, see *Cotgrave's Dictionary*, verbo *Chastellain*.

**Castellarii**, (*Castellarium & Castellatus*.) — *Et unum Toftum juxta Castellarium*. Mon. Angl. 2 Par. f. 402. a. *Comes Alanus habet in suo Castellatu 200 Maneria*. *Domesday*. The Precinct or Jurisdiction of a Castle.

**Castellatio**, This was the Building any Castle without the Leave of the King; which it was unlawful to do. *Hec mittant hominem in misericordia Regis*, viz. *Infractio pacis, infidelitas & proditio, depectus de eo*, *Castellatio sine licentia*. Du Fresne.

**Castellorum operatio**, Castle-work, or Service and Labour done by inferiour Tenants, for the Building and upholding Castles and publick Places of Defence: Toward which some gave their Personal Assistance, and others paid their Contribution. This was one of the three necessary Charges, to which all Lands among our Saxon Ancestors were expressly subject.

*Liberi ab omni servitio, excepta trinoda necessitate — Pontis & Arcis constructione & expeditione contra hostem*. After the Conquest an Immunity from this Burden was sometimes granted: So King *John* to the Nunnery of St. Catherine without the City of *Exeter*, — *quietos esse de operationibus Castellorum & Pontium*. Mon. Angl. tom. 1. f. 503. b. So King *Hen. II.* to the Tenants within the Honour of *Wallingford*, — *Us quieti sint de operationibus Castellorum*. Paroch. Antiq. p. 114.

**Caſter and Cheſter**, The Names of Places ending in *Caſter* and *Cheſter*, are derived from the Sax. *Ceaſter*, which ſignifies a City, Town, or Caſtel; or rather from the Latin *Caſtrum*: For the Names which end with this Termination were given by the Romans to thoſe Places where they built Caſtles.

**Caſtle**. See *Caſtel*.

**Caſtor and Caſtritus**, A Weather Sheep. *Caſtores enim bonis velleribus communiti cum matricibus bidentibus*. Du Cange. *Monasticon*, pag.

888. 55 *Actas terra & pasturam ad ducentas oves, octo Caſtritos & ſexdecim boves, &c.*

**Caſu confirmi**, Is a Writ of Entry granted where the Tenant by Curtesy, or Tenant for Term of Life, or for the Life of another, doth alien in Fee, or in Tail, or for Term of another's Life. And it hath the Name of this; for that the Clerks of the Chancery did, by their common Consent, frame it to the Likeneſs of the Writ, called *In caſu proviſo*, according to the Authority given them by the Stat. *West. 2. cap. 24.* which, as often as there chanceth any new Caſe in Chancery, ſomething like to a former Caſe, and yet not eſpecially fitted by any Writ, licenſeth them to frame a new Form answerable to the new Caſe, and as like ſome former Caſe; as they may. And this Writ is granted to him in the Reverſion againſt the Party to whom the ſaid Tenant ſo alienateth to his Prejudice, and in the Life-time of the ſaid Tenant. The Form and Effect whereof, read more at large in *F. N. B. fol. 206.*

**Caſula**, A certain Garment belonging to the Priests, *quaſi minor caſa*; becauſe it covered him over. Sometimes 'tis taken for *Cuculla*; for both have the ſame Signification: *Cucullam nos eſſe dicimus quam alio nomine Caſulam vocamus*. And from hence we call it a Caſtock;

— *Caſulaque capax a forſice forma*  
*Post longas habitura plicas contracta miniſtris.*

**Caſu proviſo**, Is a Writ of Entry given by the Statute of Glouceſter, cap. 7. in Caſe where a Tenant in Dower alieneth in Fee; or for Term of Life, or in Tail, and lieth for him in Reverſion againſt the Alienee, whereof read *F. N. B. fol. 205.*

**Cataſa**, alias **Chattells**, *Cataſa*, Cometh from the Normans; for in the Eighty-ſeventh Chapter of the *Grand Cuſtomary*, you ſhall find that all moveable Goods with them are called *Chattels*; the contrary whereof is *Fief. ibid.* which we call *Fee*. But as 'it is uſed in our Common Law, it comprehends not all Goods moveable and immoveable, but ſuch as are in the Nature of Freehold, or Parcel thereof, as may be gathered out of *Staundf. Praerog. cap. 16.* And *Anno 1 Eliz. cap. 2.* Howbeit *Kitchin*, in his Chapter *Cataſa*, fol. 32. ſaith, That ready Money is not accounted any Goods or *Chattels*, nor Hawks nor Hounds; the Reaſon for Hawks and Hounds he gives, is becauſe they are *Fera natura*; but why Money is not, tho' he ſet not down the Cauſe, yet it may be gathered to be, for that Money of it ſelf is not of Worth, but as by Conſent of Men for their eaſier Traffick, or Permutation of Things neceſſary for Life. It is reckoned a Thing rather conſiſting in Imagination, than in Deed. And here Note, That *Chattels* be either perſonal, or real: Perſonal may be ſo called in two Reſpects; one becauſe they belong immediately to the Perſon of a Man; as a Bow, a Horſe, &c. the other, for that being any way with-held injuriouſly from us, we have no Means to recover them but by perſonal Action: *Chattels* real be ſuch, as either do not appertain to the Perſon, but to ſome other Thing by way of Dependency, as a Box with Charters of Land; the Body of a Ward; Apples upon a Tree, or a Tree it ſelf growing on the Ground, *Crompt. Juſtice of Peace, f. 33. b.* or elſe ſuch as are neceſſary, iſſuing out of ſome immoveable

immoveable Thing to a Person, as a Lease or Rent for Term of Years. And also to hold at Will, is a *Chattel real*. *Termin de la Ley, verbo Chattel*. The Civilians comprehend these Things, as also Land, of what Kind or Holds soever, under *Bona*; *Bona autem dividuntur in mobilia & immobilia*; *mobilia vero in ea qua se movent vel ab aliis moventur*. V. Legem. 49. & L. 208. de verb. signif. & interpretes ibid. *Bracton* also cap. 3. lib. 3. n. 3. & 4. seemeth to be of the same Judgment. *Chattels* are *bona quaecunque mobilia & immobilia*; *proprie tamen ea bonorum pars qua in animalibus consistit*; *a quorum capitibus res ipsa alias capita, alias capitalia dicta sunt*. Spelm.

*Catallis capitis nomine districtionis*, Is a Writ that lieth within a Borough, or within a House, for Rent going out of the same; and warranteth a Man to take the Doors, Windows or Gates by way of Districks for the Rent. *Old. Nat. Brev. fol. 66.*

*Catallis reboendis*, Is a Writ which lieth where Goods being delivered to any Man to keep unto a certain Day, and be not upon Demand delivered at the Day. And it may be otherwise called *A Writ of Detinue*. See more of it *Reg. Orig. fol. 139.* and *Old. Nat. Brev. f. 63.* This is answerable to *Actio Depositum* in the Civil Law.

*Catapanus, Catapanus, Catipanus*, the same with *Capitaneus*, a Captain.

*Partibus Aufoniis Gallorum terror habetur  
Ex quo Normannos Catapan abscedere fecit.*

*Catapulta*. — *Edmundus Willoughby tenet unum messuagium & sex bobatas terra in Carleton, ut de manerio de Shelford per servitium unius catapultæ per annum pro omni servitio*. Lib. Schedul. de Term. Mich. 14 H. 4. Notr. f. 210. — Some render it a Warlike Engine to shoot Darts, a Sling. — I rather take it for a Cross-bow.

*Cataſcopus*, signifies an Archdeacon: *Adulfus Herefordensis Ecclesia Cataſcopus*. Du Fresne.

*Catch-land*, In *Norfolk* they have some Grounds where it is not known to what Parish they certainly belong, so as the Minister who first seises the Tithe, does by that Right of Pre-occupation enjoy it for that one Year. The Land of this dubious Nature is there called *Catch-land*.

*Catchpol*, (*Cachepollus* and *Cacepollus*, quasi, one that catches by the Poll,) though now taken as a Word of Contempt, yet in ancient Times it was used, without Reproach, for such as we now call *Serjeants of the Mace*, *Bailiffs*, or any other that use to arrest Men upon any Action. *An. 25 E. 3. Stat. 4. cap. 2.* — *Hospitalarii tenent in Hereford, unum Mesuagium quod Philippus filius Odonis tenuit per Serjantiam Cachepolli, quod eis legavit in puram elemosynam*. Rot. de Serjantiis in Heref. temp. Hen. 3.

*Cathedra marmorea*. See *Lapis Marmoreus*.

*Cathedral*. See *Church*.

*Cathedratick, Cathedraticum*, Is a Sum of two Shillings pay'd to the Bishop by the inferior Clergy, *In argumentum subjectionis, & ob honorem Cathedralis*. See *Hist. of Procurations and Synodals*, p. 82.

*Cattuechiani* were the Inhabitants of *Hertsfordshire, Bedfordshire and Buckinghamshire*.

*Catzurus, A Hunting Horse*. — *Willielmus filius Alani dat Regi duos bonos Catzuros, pro habendis duobus Feriis apud Norton*. *An. 6 R. Joh.* — *Tenures*, p. 68. *Vid. Chacurus*.

*Cauda terræ*, A Land's End, or the Bottom or extreme Part of a Ridge or Furrow in arable Land. — *due acre & dimidia ad caudam sex acrarum simul jacentium* — *item dimidia acre ad caudam unius acre*. *Cartular. Abbat. Glasston. MS. f. 117. b.*

*Cabers*.

*And two great Courts of Berghmote ought to be  
In every Year, upon the Minery,  
To punish Miners that transgress the Law,  
To curb Offenders, and to keep in Arre  
Such as be Cavers, or do rob Men's Coes;  
Such as be Pilferers, or do steal Men's Shoes.*  
*Manlove's Poem on Derb. Mines.*

*Caulceis*, (*Anno 6 Hen. 6. cap. 5.*) *Caucies*, 1 *Ed. 4. cap. 1.*) It should probably be written *Causeways*, from the old French Word *Cauz*, now *Caillon* a Flint; and is well known to signify Ways pitched with Flint, or other Stone; for the *Via Appia* in Italy is a *Causeway*, made of black Flint-stones, — *Pro ponte & calestro reparand*. *Pat. 18 H. 6. p. 2. m. 22.* I have seen it written *Calceya, Calcea, and Calsetum*, in old Records: Perhaps from the Ital. *Calzata*.

*Causines, Caorcini, Caurfiri, Corfoni*, Italian Merchants, so called from *Caorsum, Caorfi*, a Town in Lombardy, where they first practised their Arts of Usury and Extortion: And thence spreading themselves, and their cursed Trade through most Parts of Europe, were a common Plague to every Nation where they came. *Matthew Paris* gives a Character of their odious Practices in England, under the Year 1237. And *Matth. Westm. sub. an. 1232.* King Henry the Third banished them from this Kingdom, in the Year 1240. But being the Pope's Solicitors, Procurers, and Money-Changers, they were permitted to return in the Year 1250. but in very short Time were expelled for their intolerable Cheats and Exactions.

*Causa Matrimonii prælocuti*, Is a Writ which lies in Case where a Woman giveth Lands to a Man in Fee-simple, to the Intent he shall marry her, and he refuseth so to do, in reasonable Time, being required thereunto by the Woman; the Form and other Use thereof, see *Reg. Orig. f. 233.* and *F. N. B. 205.*

*Causam nobis significes*, Is a Writ which lieth to a Mayor of a Town or City, &c. that formerly by the King's Writ, being commanded to give Seisin unto the King's Grantee of any Lands or Tenements, doth delay so to do, willing him to shew cause why he so delayeth the Performance of his Charge. *Co. lib. 4. casu, Commonalty de Sadlers, f. 55. b.*

*Causea*, the same with *Calcea, Calceta*, which we call a *Causeway*: *Quotidie venerunt Franci ad Causeam, inire basilidium cum Anglis*. *Knighton*. So in the *Monasticon*, 1 *Tom. p. 275.* *Inceptum fuit Causeum novi vici ante portas Abbatie.*

*Causennæ*. See *Gausenna*.

*Cautione Admittenda*, Is a Writ that lieth against the Bishop, holding an excommunicate Person in Prison for his Contempt, notwithstanding that he offereth sufficient Caution, or Pledges to obey the Commandments and Orders of Holy Church from henceforth. The Form and Effect whereof you may find in *Reg. Orig. pag. 66.* and *F. N. B. f. 63.*

**Cæp**, a Key or Water-lock. Sometimes it signifies an House; *De quadam Caia & domo*, &c. From the Brit. *Cæl*, which is a Fence; and not from the Sax. *Cæg*, *Clavis*.

**Cavagium**, A Toll, or Duty pay'd to the King for landing Goods at some Key or Wharf. King Edward I. grants by Charter to the Barons of the Cinque Ports, — *Ut quieti sint de omni thelonio, & omni consuetudine, videlicet ab omni lastagio, tallagio, passagio, cayagio, rivagio, sponsagio, & omni Wiree*, &c. Placit. temp. Ed. I. & Ed. II. MS. penes Dominum Fountains.

**Cængilde**, A Word derived from the Saxon *cæp*, signifying *pecus* Cattle; and *gild*, *solutio*; that is, *Solutio Pecudis* or *Pecudis seu Mercemonii repositio*: From this Saxon Word *Gild*, haply we may have our common English Word *Yield*; As, *Yield*, or *Pay*.

**Cældra**, A certain Measure among the Scotch, called by them a Chalder: Whence our Chal-dron of Scotch and Newcastle Coals. *Rex Scotia honoris gratia, dedit* (Episc. Sarisber. & Roucestr. tunc in Scotia agentibus) *octoginta Celdras frumenti, & sexaginta sex de brasio, & octaginta de avena*. Cron. Mailros, sub an. 1209.

**Celer Lecti**, The Top, Head, Teste, or Tester of a Bed. — *Dedit ad cameram Prioris unum lectum, cum celere & curtenis bladei coloris*. Hist. Elin. apud Wharton Angl. Sac. P. 1. p. 673.

**Cellerarius**, alias **Cellarius**, *Officialis est in Monasterio qui fratrum stipendia servat & administrat*. MS. In Monasteries he was in Nature of a Steward, *qui totius Abbatie curam gerebat*. *Cellerarius propter dignitatem Officii, secundus pater est in Monasterio*. Mon. Angl. par. f. 302. a. In the Universities of England they are sometimes called Manciples, sometimes Caterers, and sometimes Stewards.

**Celestine** a Sort of Sky-coloured Cloth, so called from *cæruleo vel caelesti colore*. 1 Ric. 3. cap. 8.

**Centuæ**, Shingles, Shindles, *Scandule*, small Pieces of Wood, laid in Form of Tiles, to cover the Roof of a House. — *Mandatum ad cendulas & lattas nostras caviandas de Parco ad domus reficiendas*. Pat. 4 H. 3. P. 1. m. 10.

**Cenegild**, This is an expiatory Mulct, paid by one who kills another, to the Kindred of the Deceased. From the Sax. *Cinne Cognatio*, and *gild solutio*. See *Magbote* and *Kenegild*.

**Cenellæ**, Acorns; so called from the Oak, Fr. *Chefne*: Whence in our old Writings, *Pessona cenellarum*, is put for the Pannage of Hogs, or running of Swine, to feed on Acorns. — *habean xxx Porcos*.

**Ceni maani**. See *Iceni*.

**Cenio**, The River near Tregony in Cornwall.

**Cennuna**, This is Notice given by the Buyer to the Seller, that the Thing sold is claimed by another, that he might appear and justify the Sale; from the Saxon *Cennan tean*, i. e. *auctorem advocare*: 'Tis mentioned in the Laws of *Athelstan* apud Brompton, cap. 4. viz. *Diximus de ignotis pecoribus ut nemo habeat sine Testimonio hominis hundredi*, &c. & *fit hoc bene credibile, & nisi alterutrum habeat, nolamus ei permittere Cenningham aliam*.

**Censalia**, A Farm, or House and Land, let *ad censam*, at a standing Rent. — *Henricus Sturmy tenet maneria in com. Wilt. per servitium custodiendi ballivam totius foreste de Saverlake, & censariam, que vocatur La Farme in foresta predicta*, temp. Ed. III. Tenures, p. 88. *Et debent habere mortuum boscum in Censaria de le Verre in foresta de Savornge*, &c. Pet. Parl. Temp. Ed. 3.

**Censarii** — *Domesday*. Tit. *Everwic. Achum* — *Ibi sunt nunc 14 Censarii, habentes septem Carucas*. Farmers, such as might be taxed.

**Censumozthidus**, i. e. A dead Rent-like that which we call *Mortmain*: 'Tis mentioned in the *Monasticon*, 1 Tom. pag. 61. *Sint omnino libera Cella Ecclesia cum redditibus & servitiis, debitis & Censumozthidis*.

**Censure**, or *Custuma vocata Censure*, (from the Lat. *Census*, which *Hesychius* expounds to be a Kind of personal Money, paid for every Poll) is, in divers Manors in Cornwall and Devon, the calling of all *Resiants* therein above the Age of sixteen, to swear Fealty to the Lord, to pay *ii d. per Poll*, and *ii d. per an.* ever after; as *Cert-money* or *Common Fine*; and these thus sworn, are called *Censers*. — *Item erat quadam Custuma qua vocatur Censure, proven. de illis qui manent in Burgo de Lostreythiel*. Survey of the Dutchy of Cornwall.

**Century**. See *Hundred*.

**Ceola**, A great Ship: 'Tis mentioned in *Malmesbury*, lib. 1. c. 1. viz. *Placidoque ventorum favore, tribus longis navibus, quas illi Ciolas alias Ceolas vocant, Britanniam advehebantur*.

**Ceorl**, i. e. *Churl*. See *Cheorl*: *Rustici si Ceorli & femina pueros habent*.

**Cepi corpus**, Is a Return made by the Sheriff, that upon a *Capias*, *Exigent*, or other Process, hath taken the Body of the Party. F. N. B. fol. 26.

**Ceppagium**, The Stumps or Roots of Trees which remain in the Ground after the Trees are felled: In *Fleta*, lib. 2. c. 41. par. 24. *Qui forestarii ceperint coopertiones, ceppagia & escheatas quercuum sive aliarum arborum*, &c.

**Ceragium**, *Cerage*, i. e. *Waxscot*, or a Payment to find Wax Candles in the Church. See *Waxshot*: 'Tis mentioned in *Matt. Paris*. viz. *Si Ecclesia petat Ceragium vel herietum*, &c.

**Certificatio de recognitione Statuti**, Is a Writ directed to the Mayor of the Staple, &c. commanding him to certify the Lord Chancellor of a Statute of the Staple, taken before him between such and such, in case where the Party himself detaineth it, and refuses to bring it in. *Reg. Orig.* fol. 152. b. In like Manner may be said of *Certificatio de statuto Mercatorio*. Eod. f. 148. And *de certificando in cancellariam de inquisitione de indempnitatē nominis*, fol. 195. And *certificando quando recognitionis*, &c. And *certificando quid actum est de brevi super statutum mercatorium*, f. 151. And *certificando in loquela Warrantie*, f. 13.

**Certificat**, *Certificatorium*, Is used for a Writing made in any Court, to give Notice to another Court of any Thing done therein. As for Example, a *Certificate* of the Cause of Attainr, is a Transcript made briefly, and in few Words, by the Clerk of the Crown, Clerk of the Peace, or Clerk of Assise, to the Court of the King's Bench, containing the Tenor and Effect of every Indictment, Outlawry, or Conviction, and Clerk attained, made or pronounced in any other Court. 34 H. 8. 14. Of this, see more in *Critif. d. Boesq; Bro. f. 119*.

**Certification of Assise of Novel Disseisin**, &c. *Certificatio Assise Nova Disseisina*, &c. Is a Writ granted for the Re-examining or Review of a Matter passed by *Assise* before any Justices, and is called *Certificatio Nova Disseisina*. *Old Nat. Broo.* fol. 181. Of this, see also *Reg. Orig.* fol. 200. and the New Book of Entries, *verb. Certificate of Assise*. This Word hath Use, where a Man appearing by his Bailiff to an *Assise* brought by another, hath



lost the Day, and having something more to plead for himself, as a Deed of Release, &c. which the Bailiff did not, or might not plead for him, desireth a farther Examination of the Cause, either before the same Justices or others, and obtaineth Letters Patent to them to that Effect. The Form of these Letters Patent, you may see F. N. B. f. 181. and that done, bringeth a Writ to the Sheriff, to call both the Party for whom the *Affise* passed, and the Jury that was empannelled upon the same, before the said Justices, at a certain Day and Place: And it is called a *Certificate*, because in it there is Mention made to the Sheriff, that upon the Parties Complaint of the defective Examination, or Doubts yet remaining upon the *Affise* passed, the King hath directed his Letters Patent to the Justices, for the better certifying of themselves, whether all Points of the said *Affise* were duly examined. See farther, *Old Nat. Brev.* and F. N. B. *ubi supra*. Of this you may also read *Bract. lib. 4. c. 19. n. 4. in fine*, & 5, 6. where he discusseth the Reason of this Point very learnedly. And lastly, Horne in his *Mirror of Just. lib. 3. cap. final. sect. En Ayde des Memoires*, &c.

**Cert-Money**, (*quasi*, Certain Money) Head-money or common Fine, paid yearly by the Reliants of several Manors to the Lords thereof, *Pro certo Leta*, for the certain keeping of the *Leet*; and sometimes to the Hundred. As the Manor of Hook in Dorsetshire, pays *Cert-money* to the Hundred of Egerton. This in ancient Records is called *Certum Leta*. See *Common Fine*.

**Certiorari**, Is a Writ out of the Chancery to an inferior Court, to call up the Records of a Cause therein depending, that conscionable Justice may be therein administered, upon Complaint made by Bill, that the Party which seeketh the said Writ, hath receiv'd hard dealing in the said Courts. *Termes de Ley*. See the divers Forms and Uses of this, F. N. B. fol. 242. as also the Register, both Original and Judicial in the Tables, *verb. Certiorari*; *Crompton* in his Justice of Peace, fol. 117. saith, That this Writ is either returnable in the King's Bench, and then hath these Words, *Nobis mittatis*; or in the Chancery, and then hath in *Cancellaria nostra*; or in the Common Bench, and then hath *coram Justiciariis nostris de Banco*. The Word *certiorari* is used divers Times in the Digest of the Civil Law: But our later Criticks think it so barbarous, that they suspect it to be rather foisted in by Tribonian, than to be originally used by those Men of whose Works the said Digest is compiled: *Prateus in suo Lexico*.

**Cerura**, A Mound, Fence or Enclosure.—*Willielmus de Lucey miles, dedit Thomæ Ministro Domus de Thelesford, licentiam domos & portas levare, edificare, & cum cereris, & muris includere viam quæ ducit ad Ecclesiam de Thelesford, sicut per muros dictorum Ministri & Fratrum juxta pontem extenditur*. Cart. Prioratus de Thelesford, MS. Tho' possibly *Cerura* is here for *Serrura*, and is to signify a Water-lock.

**Cervisarii**, The Saxons had a Duty called *Drinclean* or *Drinkelean*, i. e. *Dona potationis honoraria*, quibus scilicet prædiorum Dominus a Vassallo honoratur & excipitur. Whence those Tenants were in *Domesday*, called *Cervisarii*; from *Cervisia*, Ale, their chief Drink; though *Cervisarius* vulgarly signifies a Beer or Ale Brewer.

**Cessabit** is a Writ that lies in divers Cases, as appears by *Fitz. Nat. Br. fol. 280.* upon this ge-

neral Ground, i. e. That he against whom it is brought, hath for two Years neglected to perform such Service, or to pay such Rent as he is tied to by his Tenure, and hath not upon his Lands or Tenements sufficient Goods or Cattle to be distrained. See *Fleta, lib. 5. cap. 34. sect. visa sunt*. See *Cessavit de Cantaria*. *Cessavit de feodi firma*. *Cessavit per biennium, in Reg. of Writs, f. 237, 238.* and *New Book of Entries, verbo. Cessavit*. It lies not, but for annual Service, Rent, and such like, not for Homage or Fealty.

**Cessus**. By 22 H. 8. cap. 3. it seems to signify Assessment, or Taxes: *Cesse* or *ceasse* in Ireland is an Exaction of Victuals, at a certain Rate, for the Deputy's Family, and the Soldiers in Garrison. See the Earl of Strafford's Trial.

**Cession**, (*Cessio*), a Ceasing, Yielding up, or Giving over. *Si un Parson ou Dean en Anglittere prist un Eversquerry en Ireland, ceo fait le premier Esglise void per Cession*. *Latch's Rep. f. 234.*

*Ratione vacationis Prioratus prædicti, per Cessionem Fratris Rogeri de Wellington, ultimi Prioris, &c.* *Clauſ. 13 Ed. 3. p. 1. m. 38.* *Cession* is also where an Ecclesiastical Person is created Bishop, or when a Parson of a Parsonage takes another Benefice without Dispensation, or otherwise not qualified, &c. In both Cases their first Benefices are become void, and are said to come void by *Cession*: And to those that he had who was created Bishop, the King shall present for that Time, whoever is Patron of them; and in the other Case the Patron may present.

**Cesso**, *Lat.* a Loiterer, or idle Fellow; but we use it for him that ceaseth or neglecteth so long to perform a Duty belonging unto him, as that by his *cesse* or *ceasing*, he incurreth the Danger of Law, and hath or may have the Writ *Cessavit* brought against him. *Old Nat. Brev. fol. 136.* And Note, That where it is said in divers Places, The Tenant ceaseth, without any more Words, that is to be understood, the Tenant ceaseth to do what he might, or is bound to do by the Tenure of Land or Tenement.

**Cessure**, or **Cesser**, Is likewise taken to signify a Giving over, or giving of Place. *West. 2. cap. 41.*

**Cestui qui vie**, Is in true French *Cestui a vie de qui*, that is, He for whose Life any Land or Tenement is granted. *Perkins. Grants, 97.*

**Cestui qui use**, (*Ille cujus usus, vel ad cujus usum*.) is broken French, and this may be better modelled (*Cestui a l'usage de qui*) It is an ordinary Speech among Lawyers, signifying him to whose Use any other Man is inclosed in any Lands or Tenements. See the New Book of Entries, *verbo* Uses; and in *Replevin, f. 508. col. 3. verbo* Trespass, fol. 606. & 123. col. 3. num. 7. And see 1 R. 3. cap. 1. and *Co. lib. 1. 133. An. 12 Car. 2. cap. 30.*

**Cestui qui trust**, Is he who hath a Trust in Lands or Tenements committed to him, for the Benefit of another. 12 Car. 2. c. 30.

**Chaces**, the Way through which Cattle are drove to Pasture, commonly called in some Places a Drove Way, *Ut si quis omnino viam chaceam vel chaceam per quam ingredi solet pasturæ*. *Bracton, lib. 4. c. 44.* It is also taken for a Chase, or Station of Game, more extended than a Park, and less than a Forest. *Chacea* is sometime taken for the Liberty of Chasing, or Hunting within such a District. *Bosum in quo Abbates Glastoniæ chaceam suam cum canibus suis & procursum suum cum porcis suis habebant* — Cartular. Abbat. Glaston. MS.

MS. fol. 70. b. — *Donec amicabili compositione chassiam & communiam, quam dictus Abbas & Antecessores sui in boscis habuerant, quietum clamavit.* Ibid.

**Chaceare**, ad *Lepores*, vel *Vulpes*; To hunt Hare or Fox. — *Liet Abbati & suis chaceare ad lepores & vulpes, in manerio suo de Donham.* Cartular. Abbt. Glaston. MS. f. 87.

**Chacurue**, A Horse for the Chase, or a Hunter, unless possibly it rather signify a swift Dog, or fleet Hound. — *Willielmus de Breosa dedit Regi octingentas marcas, tres dextrarios, quinque chacuros, quatuor censas, & decem leprarios, Anno 7 Job.* — *Tenures*, pag. 134. see *Dextrarius*.

**Chastwar**, Is an Officer in Chancery, that fitteth the Wax for the Sealing of the Writs, and such other Instruments as are there made to be sent out. This Officer is borrowed from the French, for there *calefactores cera sunt qui Regis litteris in cancellaria ceram imprimunt.* Corasius.

**Chafery**, At the Iron-works, in every Forge or Hammer, there is two Fires; the one they call the *Finery*, the other the *Chafery*. At this *Chafery* they draw out the Anconies into finisht Bars. It seems derived from the French *Chausfer*, to heat; whence to *chafe*, and our *Chafing-dish*.

**Chassers**, Seem to signify Wares, or Merchandise, 3 E. 4. 4. and we yet use *Chaffering* for Buying and Selling.

**Chaldron**, or *Calder of Coals*, Contains thirty-six Bushels of Coals, heaped up, and according to the scaled Bushel kept at Guild-hall, London, for that Purpose. 16, 17 Car. 2. c. 2. It is written *Chawdren*, 9 H. 5. 10. and in Pat. 10 R. 2. pag. 1. m. 13. *Chaldre*. It should weigh Two thousand Pound Weight.

**Chalking**. The Merchants of the Staple require to be eased of divers new Impositions, as *Chalking*, *Ironage*, *Wharfage*, &c. Rot. Parl. 50 Ed. 3.

**Challenge**, *Calumnia*, Cometh of the French Word *Chalenger*, that is, *Sibi asserere*; and in a legal Sense signifies an Exception, taken either against Persons or Things: Persons, as in Assise to the Jurors, or any one or more of them; or in a Case of Felony, by a Prisoner at the Bar. *Smith, de Rep. Angl. lib. 2. cap. 11. Britton, ca. 52. Bafton, lib. 2. tract. 2. cap. 22.* Against Things, as a Declaration. *Old Nat. Brev. f. 76.* Challenge made to the Jurors, is either made to the Array, or to the Polls: Challenge to the Array, is when the whole Number is excepted against as partially empanelled; Challenge to or by the Polls, is when some one or more are excepted against, as not indifferent. *Termes de la Ley.* Challenge to the Jurors is also divided into *Challenge Principal*, and *Challenge pur cause*; that is, upon Cause or Reason. *Challenge Principal*, (otherwise by *Staundf. pluc. Cer. fol. 157, 158.* called *Peremptory*,) is that which the Law allows without Cause alledged, or farther Examination, *Lamb. Eiren. lib. 4. cap. 14.* as a Prisoner at the Bar, arraigned upon Felony, may peremptorily Challenge to the Number of twenty, one after another, of the Jury empanelled upon him, alledging no Cause but his own Dislike, and they shall be still put off, and new taken in their Places. But in Case of High Treason, no *Challenge Peremptory* is allowed. 33 H. 8. 35. *Fortescue* saith, That a Prisoner in this Case may Challenge thirty-five Men, cap. 27. but that

Law was abridged by 25 H. 8. c. 3. And here observe, That there is some Difference between *Challenge Principal*, and *Challenge Peremptory*; *Peremptory* being used only in Matters Criminal, and alledged without other Cause than barely the Prisoner's Fancy. *Staundf. pl. cor. fol. 124.* But *Principal*, in Civil Actions for the most Part, and with assigning some such Cause of Exception, as being found true, the Law alloweth, without farther Scanning: For Example, If either Party say, That one of the Jurors is the Son, Brother, Cousin, or Tenant to the other, or espoused his Daughter; this Exception is good, and strong enough, if it be true, without farther Examination of the Party's Credit: And how far this *Challenge* upon Kindred reacheth, you have a notable Example in *Plowden*, in the Case of *Vernon* against *Manors*, fol. 425. Also in the Plea of the Death of a Man, and in every Action real, as every Action Personal, where the Debt or Damages amount to 40 Marks, it is a good *Challenge* to any Man, that he cannot dispend forty Shillings by the Year of Freehold. 11 H. 7. c. 21. The Ground of this *Challenge* you may see farther in *Fleta, lib. 4. cap. 8.* *Challenge upon Reason or Cause*, is when the Party doth alledge some such Exception against one or more of the Jurors, as is not forthwith sufficient upon Acknowledgment of the Truth thereof, but rather arbitrable and considerable by the rest of the Jurors: As for Example, If the Son of a Juror have married or espoused the Daughter of the adverse Party. *Termes de la Ley, verbo Challenge.* This *Challenge pur cause*, seems by *Kitchin, fol. 92.* to be termed *Challenge for favor*; or rather, *Challenge for favor* is said there to be one Species of *Challenge pur cause*, where you may read what *Challenges* be commonly only accounted *Principal*, and what not. See the New Book of Entries, *verbo Challenge*, and the *Old Nat. Brev. fol. 158, 159.* That this Word *Challenge* is turned into *Lat.* by the Word *Calumnia*, appeareth by *Bracton, lib. 3. tract. 2. cap. 18. & lib. 4. tract. 3. cap. 6. & lib. 5. cap. 6.* See farther *Fleta, lib. 1. cap. 32. Co. on Lit. 156, 157, &c.* and *Camargium*.

**Chamberdrinks**, or *Chamberdakins*, Were Irish Beggars, which by the Statute of 1 H. 5. cap. 8. were by a certain Time, within the Statute limited, to avoid this Land. *Termes de la Ley, fol. 114.* Observe this Description of them. *Anno 1413. Universitatem Oxoniensem vexabant flagitiosique quidam Chamberdekyns disti, qui non alii erant, quam mendici quidam Hiberni, habitu Scholarium pauperculorum indati, sub nullo autem prelide viventes. lis solenne erat domi de die latitare, noctu vero circa oenopolia domosque infames obitium quemque spoliare, vel etiam trucidare.* *Antiq. Oxoniensis, lib. 1. p. 207.*

**Chamber depint**. Under this Name in our Parliament Rolls is often mentioned, the Room which was anciently St. Edward's Chamber, and is now the Painted Chamber.

**Chamberer**, Is used for a Chamber-Maid. 33 H. 8. cap. 21.

**Chamberlain**, *Camerarius*, Cometh of the French *Chambellan*: that is, *Cubicularius* vel *Præfatus cubuli*. It is diversly used in our Chronicles, Laws and Statutes; as *Ld. Great Chamberlain of England*, *Lord Chamberlain of the King's House*, the *King's Chamberlain*, (13 E. 1. c. 41. 17 R. 2. c. 16) To whose Office it especially appertaineth to look to the King's Chambers and Wardrobe, and to govern

vern the Under-Servants belonging to the same. *Fleta*, lib. 2. cap. 6, 7. Chamberlain of any of the King's Courts. 7. E. 6. 1. Chamberlain of the Exchequer. 51 H. 3. Stat. 5. 10 E. 3. 11. 14 E. 3. 14. 26 H. 8. 2. Chamberlain of North-Wales; *Stow* pag. 641. Chamberlain of Chester. *Crompt. Fur.* fol. 7. Chamberlain of London. This Officer is commonly the Receiver of all Rents and Revenues belonging to that City whereto he is Chamberlain. *Vide Fleta*, lib. 2. cap. 70. To the Chamberlain of Chester, when there is no Prince of Wales and Earl of Chester, belongs the Receiving and Returning of all Writs, coming thither out of any of the King's Courts. The *Lat.* Word seemeth to express the Function of this Officer; for *Camerarius dicitur a camera*, i. e. *Tesitudine sive fornice, quia custodit pecunias quæ in cameris precipue reservantur.* Onuphrius de interpret. voc. Eccles. It seemeth to be borrowed from the Feudists, who define the Word *Camera* thus: *Camera est locus in quem thesaurus colligitur, vel conclave in quo pecunia reservatur: Zafius de Feudis. par. 4. num. 7. And Peregrinus de jure Fisci, lib. 6. Tit. 3. saith, That Camerarius, vel Chamberlingus (quem Quaestorem antiqui appellarunt) in rebus fisci primum locum tenet, quia thesaurarius & custos est publicæ pecuniæ.* There be two Officers of this Name in the King's Exchequer, who were wont to keep a Controulment of the Pells of Receipt, and Exits, and certain Keys of the Treasury and Records: They kept also the Keys of that Treasury, where the Leagues of the King's Predecessors, and divers ancient Books, as *Domesday*, *Black-Book* of the Exchequer, remain. There is Mention of this Officer in the Stat. 34 & 35 H. 8. cap. 16. There be also Under-Chamberlains of the Exchequer, for which see in Under-Chamberlain.

**Chamberlaria, Chamberlangeria, Chamberlainship, or Office of Chamberlain.**—*Commisarius Civi nostro Willielmo Joyner Chamberlariam nostram* London. Pat. 7 H. 3. Brady Hist. Angl. Append. pag. 168. —Jerem. del Ho & Radulphus de Coggeshale, tenent feodum del Ho in Rivandule per servitium Chamberlangeriæ, in *Com. Devon.* Anno xi H. 3. Tenures, p. 48.

**Chambers of the King, (Regia Camera,) the Havens or Ports of the Kingdom, so called in our Records.** V. *Mare Clausum*, fol. 242.

**Champerty, (Cambi-partia) al' Champerti,** Seemeth to come from the French *Champert, Vestigal*; and signifieth in our Common Law a Maintenance of any Man in his Suit depending upon Condition to have Part of the Things (be it Lands or Goods) when it is recovered. *F. N. B.* fol. 171. This seems to have been an ancient Grievance in our Realm; for notwithstanding the Statutes of 3 E. 1. 25. 13 E. 1. 49. 28 E. 1. 11. 32 E. 1. Stat. 2 & 3. and 1 R. 2. cap. 4. and a Form of a Writ framed unto them; yet Anno 4 E. 3. 11. it was again enacted, That whereas the former Statute provided Redress for this in the King's Bench only, (which at the Time followed the Court) from thenceforth it should be lawful for the Justices of the Common Pleas likewise, and Justices of Assises, in their Circuits, to enquire, hear and determine this, and such like Cases, as well at the Suit of the King, as of the Party. How far this Writ extendeth, and the divers Forms thereof applied to several Cases, see in *F. N. B.* f. 171. *Reg. Orig.* f. 183. and the New Book of Entries, verbo *Champerty*. Every *Champerty* implieth Maintenance. *Crompt. Fur.* fol. 39. See also *Crompt. Justice of Peace*, fol. 155. 2. par. *Inst.* fol. 208. But every Maintenance is not

*Champerty*, for *Champerty* is but a Species of Maintenance, which is the Genus. The Word *Champerty* seems very significantly to derive it self from *Campus*, a Field, and *Partitio*, a Dividing; because the Parties in *Champerty* agree to divide the Thing in dispute.

*Champertoze, Vel campi Participes, sunt qui per se, vel per alios placita movent, vel moveri faciunt, & ea suis sumptibus prosequuntur ad campi partem, vel pro parte lucri habenda.* 33 E. 1. Stat. 2. Artic. super Chart. cap. 11. Also it was ordained by the Stat. 33 H. 1. confirmed by 37 H. 8. 7. The Justices of Peace, at their Quarter-Sessions, should have Authority as well by Oaths of twelve Men, as by the Information of any other Person, to enquire of the Offenders and Offences against the Laws and Statutes made and provided touching *Champerty, Maintenance, &c.* *Termes de la Ley*, fol. 114, 115.

**Champion, (Campio)** is taken not only for him that fights the Combat in his own Cause, but for him also that does it in the Place or Quarrel of another. *Bracton*, lib. 3. tract. 2. c. 21. numb. 24. who also seems to use this Word for such as held of another by some Services; as, *Campiones faciunt Homagium Domino suo*, lib. 2. cap. 35. *Hottoman, de verbis feudalibus*, defines it thus, *Campio est Certator pro alio datus in duello, a Campo dictus, qui circus erat decertantibus definitus.* And therefore it is called *Campfight*. See *Combat*, and Sir Edward Bysshe's Notes upon *Upton*, where fol. 36, you will find, that *Henricus de Fernbureg*, for 30 Marks Fee, did by a Charter under the Seal covenant to be *Champion* for Roger, Abbot of *Glastonbury*. Anno 42 H. 3. See 3 *Inst.* f. 221.

And here it may not be improper to mention a few Things concerning *Champions*, which I find in our Law Books and Histories, viz. they were usually hired, and therefore they were accounted infamous Persons. *Bracton*, Lib. 3. c. 18.

*Nunc caput in mortem vendunt, & funus arena.*

Monks, Ecclesiasticks, and generally any Person might hire them, except Parricides, and those who were accused of very great Offences; but Churchmen were first to have Leave of the Bishop.

Before the *Champion* came into the Field, he was to shave his Head, and make Oath that he believed the Person who hired him was in the Right, and that he would defend the Cause to the utmost of his Power; which was always done on Foot, and with no other Weapon but with a Stick or Club, and a Shield. And before he engaged with his Adversary he always made an Offering to the Church, that God might assist him in the Battle.

The Punishment of a *Champion* overcome in Battle, and likewise of the Person for whom he fought, was various: If it was the *Champion* of a Woman, she was burnt, and the *Champion* hanged: If it was of a Man, and not for a capital Crime, he not only made Satisfaction, but had his Right Hand cut off; and the Man was to be close confined in Prison till the Battle was over.

**Champion of the King, (Campio Regis),** whose Office is at the Coronation of our Kings to ride into *Westminster-hall*, armed *Cap-a-pe*, when the King is at Dinner there, and throw down his Gauntlet by Way of Challenge, pronounced by a Herald, That if any Man shall deny or gain-

say the King's Title to the Crown, he is there ready to defend it in single Combat, &c. Which being done, the King drinks to him, and sends him a gilt Cup, with a Cover, full of Wine, which the *Champion* drinks, and hath the Cup for his Fee.

This Office (ever since the Coronation of King *Richard* the Second, when *Balwin Frevile* exhibited his Petition for it) was adjudged from him to Sir *John Dymocke*, his Competitor, (both claiming from *Marmion*), as producing better Records and Evidence; and hath continued ever since in the worthy Family of *Dymocke*, who hold the Manor of *Scrivelsbury* in *Lincolnshire*, Hereditary from the *Marmions*, by Grand Serjeanty, viz. That the Lord thereof shall be the King's *Champion*, as above said. *Camd. in part. Fin. Mich. 1 H. 6.* Accordingly Sir *Edward Dymocke* performed this Office at the Coronation of his Majesty King *Charles* the Second, 23 April 1661.

*Chancellor*, *Cancellarius*, Cometh of the French *Chancelier*. Vincent *Lupanus de Magistratibus Francorum*, saith, That *Cancellarius* is no Latin Word, though he citeth *Lat. Writers* that use it: With him agreeth *Petrus Pitheus. lib. 2. Adversariorum, cap. 12.* And whereas *Lupanus* would derive it from the Verb *Cancello*, *Pitheus* thinks he hath some (though not sufficient) Colour for his Opinion; and therefore derives it from *Cancelli*, an inclosed or separated Place, a Chancel; or Place encompassed with Bars, to defend the Judges and other Officers from the Prefs of the People. *Cancellarius* at first, as *Lupanus* thinks, signified the Registers in Court; *Grapharios, scil. qui conscribendis & excipiendis judicium actis dant operam.* But this Officer in late Times is greatly advanced, not only in our, but in other Kingdoms; for he is the chief Administrator of Justice, next to the Sovereign. All other Justices in this Kingdom are tied to the Law, but the *Chancellor* hath the King's absolute Power to moderate the written Law, governing his Judgment by the Law of Nature and Conscience, and ordering all Things *juxta equum & bonum*. Wherefore *Staundford* (in his *Prærog. c. 20. fol. 65.*) says, The *Chancellor* hath two Powers; one absolute, the other ordinary; meaning, that though by his ordinary Power, in some Cases, he must observe the Form of Proceeding as other inferior Judges, yet in his absolute Power he is not limited by the written Law but by Conscience and Equity, according to the Circumstances of Matter. And though *Polydore Virgil*, an Alien, undertaking to write the History of *England*, supposed he did not mistake when he makes our *William* the Conqueror, the Founder of our *Chancellors*; yet our industrious Antiquary, Mr. *Dugdale*, can shew us his Error in the many *Chancellors* of *England* long before that Time, which are mentioned in his *Origines Juridicales*, and Catalogue of *Chancellors*, whose great Authorities under their Kings were, in all Probability, drawn from the reasonable Customs of Neighbour Nations, and the Civil Law.

He that bears this Magistracy is called *The Lord Chancellor of England*, (which is the highest Honour of the Long Robe,) being made so *Per traditionem magni Sigilli sibi per Dominum Regem*, and by taking his Oath. And by the Statute 5 *El. c. 18.* the Lord *Chancellor* and *Keeper* have one and the same Power; and therefore since that Statute, there cannot be a Lord *Chancellor* and Lord *Keeper* at one and the same Time; but be-

fore there might, and hath been. Yet see *Keeper*. See *Fleta, lib. 2. cap. 12, 13.* and *Coke's 4 Instit. fol. 78, 79.* Divers inferior Officers are also called *Chancellors*; as,

*Chancellor in Cathedral Churches*. His Office is thus described in the *Monasticon, 3 Tom. pag. 24.* in the Statutes of *Litchfield, viz.* whether he is resident, or not, his Duty is *Lectiones legendas in Ecclesia per se vel per suum vicarium auscultare, male legentes emendare, scholas conferre, sigilla ad causas conferre, literas capituli facere & consignare, libros servare, quotiescunque voluerit predicationes in Ecclesia vel extra Ecclesiam predicare, & cui voluerit predicationis officium assignare.* Ibid. p. 339.

*Chancellor of the Duchy of Lancaster*, (*Anno 3 Ed. 6. cap. 1.* and *Anno 5 ejusdem, c. 26.*) whose Office is principally in that Court, to judge and determine all Controversies between the King and his Tenants of the Duchy Land, and otherwise to direct all the King's Affairs belonging to that Court.

*Chancellor of the Exchequer*. (*An. 25 H. 8. c. 16.*) whose Office hath been thought by many to have been created for the qualifying Extremities in the *Exchequer*: He sits in the Court, and in the *Exchequer-Chamber*; and, with the rest of the Court, orders Things to the King's best Benefit. He is always in Commission with the Lord Treasurer for letting the Lands that came to the Crown by the Dissolution of Abbies, or otherwise; and hath, by the Stat. of 33 *H. 8. c. 39.* Power with others to compound for the Forfeitures upon Penal Statutes, Bonds, and Recognizances, entered into to the King; he hath also a great Authority and Jurisdiction in the Manage and Dispose of the Royal Revenue, and concerning the First-Fruits, as appears by the Acts for uniting them to the Crown.

*Chancellor of the Order of the Garter*. *Stow's Annals, p. 706.* *Chancellor of the Universities.* *an. 9 H. 5. c. 8.* and *Anno 2 H. 6. c. 8.* *Chancellor of the Court of Augmentations.* 27 *H. 8. c. 27.* 32 *ejusdem, c. 20.* & 33 *ejusdem, c. 39.* *Chancellor of the First-Fruits.* 32 *H. 8. c. 45.* *Chancellor of Courts.* 32 *H. 8. c. 28.* *Chancellor of the Diocese,* 32 *H. 8. c. 15, &c.* anciently called *Episcopi Ecdicus*.

*Chance-medley*, Signifies the casual Killing of a Man, not altogether without the Killer's Fault, though without an evil Intent. *Staundf. pl. cor. lib. 1. cap. 8.* calls it *Homicide by Misadventure*, *West. Symb. par. 2. Tit. Indictments, sect. 5.* calls it *Homicide mixt.* It is also called *Manlaughter by Misadventure*, for which the Offender shall have his Pardon of Course as appears by the Statute of 6 *E. 1. 9.* But here is to be considered whether he that commits this *Manlaughter* by *Chance-medley*, was doing a lawful Thing: For if the Act were unlawful, it is Felony. As if two were fighting together, and a third Man comes to part them, and is killed by one of the two without any Malice fore-thought, or evil Intent in him that killed the Man; yet this is Murder in him, and not *Manlaughter* by *Chance-medley*, or *Misadventure*; because they two that fought together were doing an unlawful Act: And if they were met with preperfed Malice, the one intending to kill the other, then it is Murder in them both. See *Skene, de verb. signif. verb. Melleum*, where he says this in *Scotland* is called *Chaud-melle*.

*Chancery,*



**Chancery, Cancellaria,** Is a Court of Equity and Conscience, moderating the Rigour of other Courts, that are strictly tied to the Letter of the Law, whereof the Lord Chancellor of England, is the Chief Judge. *Crompt. Jur. fol. 41.* Or else the Lord Keeper of the Great Seal. *4 Eliz. cap. 18.* The Officers belonging to this Court, are the Lord Chancellor, or Keeper of the Great Seal, who is sole Judge here; the Master of the Rolls, (anciently called *Gardein des Rolls*;) who in the Lord Chancellor's Absence heareth Causes, and gives Orders. *4 Inst. f. 97.* Twelve Masters of the Chancery, who are Assistants, and sit by Turns on the Bench; the six Clerks, who have each of them about fifteen Clerks under them, in Nature of Attornies in the Court; two Chief Examiners, who have five or six Clerks a-piece; one Chief Register, who hath usually four or five Deputies; the Clerk of the Crown; the Warden of the Fleet, the Usher, Serjeant at Arms, and Crier of the Court; the Curstors and their Clerks; the Clerks of the Petty-Bag; the Clerk of the Hanaper; the Controller of the Hanaper; the Clerk of Appeals; the Clerk of the Faculties; the Sealer, the Chase-Wax; the Clerk of the Patents, Clerk of Presentations, Clerk of Dismissions, Clerk of Licences to alienate, Clerks of the Enrolments, Clerks of the Protections, Clerks of the *Subpoenas*, Clerks of the *Affidavits*, &c. Which see described in their several Places. See *Coke's 4 Inst. fol. 82.*

**Changer,** Is an Officer belonging to the King's Mint, mentioned in the Statute of 2 H. 6. cap. 12. where it is also written after the old way *Changour*, whose Business was chiefly to exchange Coin for Bullion, brought in by Merchants, or others.

**Chantry.** See *Chauntry*.

**Chapel, Capella,** Cometh from the French *Chapelle*, that is, *Aedicula*; and is of two Sorts, either adjoining to a Church, as a Parcel of the same, which Men of Quality build, *ut ibidem Familiaria Sepulchra sibi constituent*; or else separate from the Mother-Church, where the Parish is wide, and commonly called *A Chapel of Ease*, because it is built for the Ease of one or more Parishioners that dwell too far from the Church, and served by some inferior Curate, provided at the Charge of the Rector, or of them that have Benefit by it, as the Composition or Custom is. Whence the Word is derived, the *Canonists* differ in Opinion, neither will we trouble our selves about it, since it makes not much to our Purpose. There is a *Free Chapel*, which seemeth to be such as hath Maintenance perpetual, towards the Upholding thereof, and Wages of the Curate, by some Lands charitably bestowed on it, without the Charge of the Rector, or Parish. *37 H. 8. cap. 4 An. 1. E. 6. c. 14.*

**Chapellain or Chaplain, Capellanus,** Is he that performeth Divine Service in a *Chapel*; and therefore in the Common Law, it is used most ordinarily for him that is depending upon the King, or other Man of Worth, for the Instructing him and his Family, to pray and preach in his private House, where commonly they have a *Chapel* for that Purpose. See *21 H. 8. 13.* where it is set down what Persons may privilege one or more *Chaplains*, to discontinue from their Benefices for their peculiar Service.

**Chapeltry (Capellania)** is the same Thing to a *Chapel*, as a *Parish* to a *Church*, i. e. the Precinct

and Limits of it. Mentioned in the Stat. 14 Car. c. 9.—*Capellania Sancti Oswaldi, Mich. 32 E. 1. Coraus Reg. Glouc.*

**Chaperon,** (Fr. in Lat. *Humeral* and *Caputium*;) mention'd in the Stat. 1 R. 2. is the Hood anciently worn by the Knights of the Garter, being Part of the Habit of that Noble Order. Also the little Escutcheon fixed in the Forehead of the Horses that draw the Hearse at a Funeral.

**Chapters, Capitula,** cometh of the French *Chapitre*, i. e. *caput libri*: It signifies in our Common Law a Summary, or Content of such Matters as are to be enquired of, or presented before Justices in *Eyre*, Justices of *Affise*, or of *Peace*, in their Sessions: So it is used *Anno 3 E. 1. cap. 27.* in these Words. And that no Clerk or any Justice, Escheator, or Commissioners in *Eyre*, shall take any Thing for delibering Chapters, but only Clerks of Justices in their *Cituits*. And again *Anno 13 E. 1. cap. 10.* in these Words, And when the same cometh the Sheriff shall certify the Chapters before the Justices in *Eyre*, how many Writs he hath, and what, &c. *Britton* also useth the Word in the same Sense, cap. 3. *Chapters*, or *Capitula*, be now called *Articles* most ordinarily, and are delivered as well by the Mouth of the Justice in his Charge, as by the Clerks in writing to the Inquest; whereas in ancient Times, as appeareth by *Bratton*, and *Britton*, they were, after an Exhortation given by the Justices for the good Observation of the Laws, and the King's Peace, first read distinctly and openly in the whole Court, and then delivered in Writing to the Grand Inquest; which the Grand Jury or Inquest were likewise to answer upon their Oaths affirmatively and negatively, and, not as they do now, put the Judges to make long and learned Charges to little or no Purpose, who not remembering the Transgressors, against the Design of those *Articles*, do think their Oaths and Duty to God and the King, and their Country, well enough performed, if they only present those few, of many more, Misdemeanors, which are brought unto them by Way of Indictment. The same Order of *Articles*, *Lambard* wilhes might still be observed. *Eiren. lib. 4. cap. 4. pag. 393.* *Horne* in his *Mirror* of Justices calleth them *Articles*, and expresseth what they were wont to contain, *lib. 3. cap. de Articles in Eyre.* An Example of these *Chapters* or *Articles*, you have in the Book of *Affises*, fol. 138. num. 44. As also in *Roger Hoveden, parte poster. suor. Annal. in Richardo Primo, fol. 423.*

**Chaplain.** See *Chapellain*.

**Chapter, Capitulum,** Signifieth in our Common Law (as in the Canon Law, whence it was borrowed,) *Congregationem clericorum in Ecclesia Cathedrali, conventuali, regulari vel collegiata*; and in another Sense, *Locum in quo sunt communes tractatus collegiatorum*. It hath other Significations, though not worth the Repeating in this Place, which you may read in *Lyndeswode's Provincialis Gloss. in ca. Quia incontinentia, de constitutionibus verb. Capitulum*. Such a Collegiate Company is metaphorically termed *Capitulum*, that is, a little Head, for such a Corporation is a Kind of Head, not only to rule, and govern the Diocese in the Vacation of a Bishoprick, but also in many Things to advise the Bishop, when the See is full, *Panormitan. in cap. Capitulum extra de Rescriptis. Ad Dedicaciones, ad Synodos, ad Capitula venientibus sit summa Pax. LL. Edwardi Confess. cap. 3.*

**Chareas**, A Charr, Carr, or Cart. — *Concessum est ut predicti Abbas & Conu. tradant Johanni & Agneti uxori sue, ac heredibus suis tres chareas clausure de subbosco suo annuatim per liberationem Ballivi vel Prepositi* — Itaque nec prefatus Johannes & Agnes uxor in pred. boscum cum carris suis de cetero aliquem ingressum habeant, nec essoverium boschia nisi tantum tres chareas annuatim, ut predictum est. Cartular. Abbat. Glaston. MS. f. 91. a.

**Charge**. See *Chapiter*.

**Charke**. Wood when charr'd is properly Char-coal; the Pit-coal, when so charred or charked in *Worcestershire* is called *Charke*, as the Sea-coal so prepared about *New Castle*, is called *Coke*.

**Charolare**, i. e. To dance; *Cogens quamplurimos viros & mulieres Anglicos mixtim Charolare nudos & psallere ante se*. See *Mat. Westm. Anno 1305*.

**Charre of Lead**, A *Charre of Lead* consists of thirty Pigs, each Pig containing fix Stone wanting two Pounds, and every Stone being twelve Pounds. *La Charre de plumbo constat ex 30 fotinellis & qualibet fotinella continet 6 Petras, exceptis duabus libris, & qualibet Petra constat ex 12 libris*. Assisa de ponderibus Rob. 3. R. Scot. cap. 22. sect. 2.

**Charta**, The Word was taken not only for a Charter or Deed in Writing, but any Signal or Token by which an Estate was held. As — *Willielmus filius Nigelli tenuit custodiam foresta de Bernwode, de Domino Rege per unum cornu quod est charta predicta foresta*. Paroch. Antiq. p. 73.

**Charta Magna** contains several Privileges and Liberties which were granted to the Church and State by *Edward the Confessor*, and some which were granted by *Henry I.* but those were only relating to the feudal Laws which were imposed on the People by *William I.* so that nothing new was added by him.

*King Stephen* and *King Henry II.* confirmed the *Magna Charta* of *Henry I.* and *Richard I.* took an Oath at his Coronation to abolish all evil Customs, and to observe all just Laws; which was an implicate Confirmation of the *Charter* it self.

*King John* took the like Oath: But a Difference arising between him and *Pope Innocent III.* concerning the Election of an Archbishop of *Canterbury*, he was for the most Part of his Reign embroiled in Wars both at Home and Abroad; till at length at *Roningmede* (a Place between *Windsor* and *Stanes*) he confirmed the *Charter*; and soon after broke it; and thereupon the Barons took up Arms again; so that his Reign ended in Wars, and *Henry III.* an Infant, succeeded; in whose Reign it was several Times confirmed, and as often abrogated, even after the most solemn Engagement to observe it. As for Instance: In the 37th Year of his Reign he came to *Westminster-Hall*, and (there in the Presence of the Nobility, and of the Archbishop and Bishops in their Pontifical Habits, with lighted Candles in their Hands) the *Charter* was read, the King all that while laying his Hand on his Breast; and when it was read, the Bishops extinguished the Candles, and threw them on the Ground; and every one said, *Thus let him be extinguished, and sink in Hell, who violates this Charter*. Then the Bells rung, as a Sign that every one rejoiced, and approved what was done. And the King himself said, *So help me God; I will faithfully and inviolably observe all these Things, as I am a*

*Man, a Christian, a Soldier, and a King*. And yet the next Year he invaded the Rights of the People. And at length the Barons took up Arms, and beat his Army at the Battle of *Lewes* in *Sussex*, and took him and his Son, *Edward I.* Prisoners. But the Prince escaping, he beat the Barons in a Battle at *Evesham*, and restored his Father to his Royal Dignity. And then the King, though Conqueror, confirmed this *Charter*, and the *Charter of the Forest*, in the Parliament of *Marlbridge*, in the 52d Year of his Reign, and died afterwards in Peace. And his Son *Edward I.* not only confirmed these *Charters*, but in the 25th Year of his Reign he made an Explanation of the Liberties and Privileges therein granted to the People; and added some which were new, and are called *Articuli super Chartas*. And thus *Magna Charta* was then confirmed, and more than thirty Times since. See *Magna Charta*.

**Charta Pardonationis** *Se defendendo*, Is the Form of Pardon, for slaying another Man in his own Defence. *Reg. Orig. fol. 287*.

**Charta Pardonationis** *Ultimaræ*, Is the Form of a Pardon for a Man that is Outlawed. *Reg. Orig. fol. 288, 388*.

**Charte**, *Charta*, Paper, Parchment, or any Thing to write on; also a Card which Mariners use at Sea, mentioned 14 *Car. 2. cap. 33*. See *Charter*.

**Chartel**, A Letter of Defiance, or Challenge to a Duel, in Use heretofore, when Combats were in Practice, to decide difficult, and not otherwise to be determined, Controversies in Law.

**Charter**, *Charta*, French *Chartre*, that is, *Instrumenta*: It is taken in our Law for written Evidence of Things done between Man and Man; whereof *Bracton*, lib. 2. cap. 16. num. 1. saith thus, *Fiunt aliquando donationes in scriptis, seu chartis, ad perpetuam rei memoriam propter brevem hominum vitam, &c.* And a little after, num. 12. *Et sciendum quod chartarum, alia Regia, alia privatorum, & regiarum alia privata, alia communis & alia universalis. Item privatorum alia de Feoffamento puro & simplici, alia de Feoffamento conditionali, & secundum omnia genera Feoffamentorum fieri potest. Item, privatorum alia de recognitione pura vel conditionalis. Item alia de quiete-clamantia; Item alia de confirmatione, &c.* and so through the whole Chapter. *Britton* likewise in his Thirty-ninth Chapter, divideth *Charters* into the *Charters of the King*, and *Charters of private Persons*: *Charters of the King*, are those whereby the King passeth any Grant to any Person or more, or to any Body Politick, as a *Charter of Exception*, that a Man shall not be empanelled upon any Jury. *Kitchin*, fol. 114, & fol. 177.

**Charterer**, So in *Cheshire* they call a Freeholder. *Ex pet. Leg. Antiq. p. 356*.

**Charter of Pardon**, Whereby a Man is forgiven a Felony, or other Offence committed against the King's Crown and Dignity. *Bro. Tit. Charter of Pardon*.

**Charter of Forest**, wherein the Laws of the Forest are comprised, *Anno 9 H. 3. Crompt. Fur. fol. 147. Pupilla oculi*, par. 5. cap. 22. *Manwood*, par. 1. of his Forest Laws, fol. 1. where he setteth down the *Charter of Canutus*, and fol. 11. where he sets down that which was made 9 H. 3. with the *Charter of the Forest* which we use. *Skene* saith, That the Laws of the Forest in Scotland do agree, *de verb. signif. verbo Venison*. *Char-*

ter of Land. Brooke, *eadem titulo*. That which we call a Charter, the Lombards, in *libris Feudalibus*, call *Præceptum*, *Præceptionem*. Hottoman, *verbo Præceptum in verbo feudalibus*. Of these Charters you have also a long Discourse in *Fleta, lib. 3. cap. 14.* who expoundeth every substantial Part of a Deed of Gift particularly in Order. See *Magna Charta*.

**Charter-Land**, *Terra per Chartam*, Is such as a Man holdeth by Charter; that is, by Evidence in Writing, otherwise called *Freehold*. Anno 19 H. 7. cap. 13. and *Kitchin, fol. 86.* And these in the Saxons Time were called *Bockland* which Lamb. in his Explication of Saxon Words, *verb. Terra ex scripto*, saith, was held with more commodious and easy Conditions than *Folkland* was; that is, Land held without Writing; and the Reason is, because that was *Hereditaria, libera atque immunis*, whereas *fundus sine scripto censum persistabat annuum atque Officiorum quadam servitute est obligatus*; priorem viri plerumque nobiles atque ingenui, posteriorem rustici fere & pagani possidebant. Illam nos vulgo *Freehold* & per *chartam* hanc ad voluntatem Domini appellemus. Thus far Mr. Lambard.

**Charter-party**, *Charta partita*, a Deed or Writing divided, is only a Pair of Indentures among Merchants and seafaring Men, containing the Covenants and Agreements made between them touching their Merchandize and maritime Affairs. 32 H. 8. 14. 12 Car. 2. c. 18. *Latches Rep. f. 225.* *Ballo's Calc.* and 2 *Inst. 637.*

**Chartis reddendis**, Is a Writ which lies against him that hath Charters of Feoffment, delivered him to be kept, and refuseth to deliver them. *Old Nat. Brev. fol. 66. Orig. fol. 159.*

**Chase**, *Chace*, Cometh of the French Word *Chasser*, that is, *Seſſari Belluas*: It signifies in the Common Law two Things, First, As much as *Actus* in the Civil Law, that is, a Driving of Cattle to or from any Place, as to *chase* a Distress to a Fortlet. *Old Nat. Brev. fol. 45.* Secondly, It is used for a Place of Receipt for Deer, and wild Beasts, of a middle Nature, between a Forest and a Park, being commonly less than a Forest, and not having so many Liberties; as the Courts of *Attachment*, *Swainmote*, and *Justice-seat*; and yet of a larger Compass, and stored with greater Diversity both of Keepers and wild Beasts or Game than a Park. And *Crompton* in his *Jurisdiccions*, f. 148. saith, That a Forest cannot be in the Hands of a Subject, but it forthwith loseth the Name, and becometh a Chase; yet fol. 197. he saith, That a Subject may be Lord and Owner of a Forest, which, though it seems a Contrariety, yet are both his Sayings in some sort true; for a King may give or alienate a Forest to a Subject, yet so, as when it is once in a Subject, it loseth the true Property of a Forest, because that the Courts, called a *Justice-seat*, the *Swainmote*, and *Attachment* forthwith do vanish; none being able to make a Lord Chief Justice in Eyre of the Forest but the King, as *Manwood* well sheweth in his *Forest Laaps*, ca. 3 & 4. and yet it may be granted in so large a Manner, that there may be *Attachment* and *Swainmote*, and a Court equivalent to a *Justice-seat*, as appeareth by him in the same Chapter, num. 3. So that a Chase differeth from a Forest in this, because it may be in the Hands of a Subject, which a Forest in its proper and true Nature cannot; and from a Park, in that it is not inclosed, and hath not

only a larger Compass, and more Store of Game, but of Keepers also and Officers. See *Forest*.

**Chastellaine** a Noble-woman; *quasi castelli Domina*.

**Chatels**. See *Catals*.

**Chaumpert**,—*Et quod tam præd. viginti virgate terra, quam terra unde dicta quaterviginti quarteria frumenti annua proveniunt de nobis in capite per servitium vocatum Chaumpert. Vid. undecima garba nobis per manus tenentium terrarum earundem annuatim solvende tenentur. Pat. 35 Ed. III. Pat. 2. m. 18. Hospital. de Bowes infra insulam de Guernesey.*

**Chaunce-medley**. See *Chance-medley*.

**Chauderia**.—*Et si cervisiam putidam brassabit, amittere debet Chauderium & brassi valorem ad voluntatem Ballivorum. MS. de legibus liberi Burgi villæ de Montgomery.*

**Chaunter**, *Cantator*, A Singer in the Quire. 13 Eliz. c. 10. At St. David's in *Pembrokeshire*, the Chaunter is next the Bishop, for there is no Dean. *Camb. Britan.*

**Chauntry**, (*Cantaria*), *Ædes sacra*; ideo instituta & dotata prædiis, ut *Missa ibidem Cantaretur pro anima fundatoris & propinquorum ejus*. These were usually little Chapels, or particular Altars, in some Cathedral or Parochial Church, and endowed with Lands, or other Revenue, for the Maintenance of one or more Priests, to officiate as above-said. Mentioned 37 H. 1. cap. 4. — 1 Ed. 6. cap. 14. and 15 Car. 2. cap. 9. Of these Chauntries there were forty-seven belonging to St. Paul's Church in London; for which see Mr. Dugdale's History of that Church. *Sciatis*—*quod ego Reginaldus Suard dedi*—*Willielmo Crumpe Capellano Cantariæ beata Maria de Yarpol unam parcellam pasturæ, &c. Dat. apud Leominstre die Martis prox. post Festum Sancti Hillarii, Anno 7 H. 6.*

**Chauntry-Rents**, (22 Car. 2. cap. 6.) are Rents paid to the Crown by the Servants or Purchasers of Chauntry-Lands.

**Chaus**, *Manchet*, white Bread.—*Concesserunt mihi singulis diebus vita mea unum fimenellum de Chaus, & unum surum michum & unum galonem de cervisia conventus, & alium de cervisia mixta. Cartular. Rading. MS. f. 103.*

**Chawdzen of Sea-coals**. 9 H. 5. 10. See *Chaldron*.

**Check-Roll** is a Roll or Book containing the Names of such as are Attendants and in Pay to the King, or other great Persons, as their Household Servants. Anno 19 Car. 2. c. 1. It is otherwise called the *Chequer-Roll*, an. 24 H. 8. c. 13. an. 3 H. 7. c. 13. and seems to be a Word abstracted or derived from the *Exchequer*; which see. Clerk of the Check, see in Clerk.

**Chekerelli Panni**, Cloth chequered, or variegated in the Weaving.—*Henricus Prior & Conv. Eccle. Christi Cant. constituunt Raymundum Filium Raynoldi Procuratorem & Mercatorem suum ad emendum singulis annis ducentos pannos quos Frisones vocant, unde triginta erunt Chekerelli, & alii plani; & quilibet pannus continebit in longitudine quatuor ulnas, & in latitudine ulnam unam & dimidium ad minus.—dat. 13. Rul. Sept. 1315. Ex Registr. Eccl. Christi Cantuar. MS.*

**Chelindra**, a Sort of Ship. *Obligavit se imperator ad 100. Chelindras & 50 Galeas ducentas ultra mare. Mat. Paris. Anno 1238.*

**Chelmsford**. See *Canonism*.

**Chemin**. See *Chimen*.

**Chence**. See *Amabyr*.

**Chen-**

**Chensers**, Mentioned 27 H. 8. c. 7. are such as pay Tribute or *Cense*, Chief-Rent or Quit-Rent, for so the French *Censier* signifies.

**Cheople's Werding**, the Curtilage of a Countryman or Clown.

**Cherchez**, a Sort of Tribute.

**Cheriet**. See *Churchesset*.

**Cherietum**, Any customary Oblation paid (at first perhaps in lieu of Church-secod or Corn) to the Parish Priest or Appropriators. — *Inter servitia consuetudinaria Tenentium in Blebury de Dominio Abbatis & Conv. Rading. — Et solebant dare Cherietum fil. tres gallinas & unum gallam. — Cartular. Rading. MS. f. 221.*

**Chetter**. See *Deva*.

**Chebage**, (*Chevagium*, from the Fr. *Chef*, i. e. *Caput*, *Census Capitis*) signifies a Tribute or Sum of Money formerly paid by such as held Lands in Villenage, or otherwise, to their Lords in Acknowledgment; and was a Kind of Head or Poll-Money; whereof *Bracton*, lib. 1. c. 10. says thus; *Chevagium dicitur recognitio in signum subjectionis & Domini de capite suo*. It seems also to be used for a Sum of Money, yearly given to a Man of Power, for his Countenance and Protection, as to their Chief Head or Leader. *Lambard* (lib. 2. c. 5. *Eirenarch.*) writes it *Chivage*: We now call it *Chiefage*. *Est & apud Wallos Chevagii genus quod Amaby vocant, Principi Wallia pro maritandis filiabus, olim ab omnibus (ut asserunt) hodie a quibusdam (etiam liberis) persolutum*, says *Spelman* on the Word *Chevagium*. See *Coke on Littl. fol. 140.*

That 'tis taken for a Sum of Money appears in a Charter of H. 3. *Mandatum est quod predictum festum Sancti Edwardi vice Regia teneant & solenniter celebrent ad custum (the Costs) Regis & Capitagium Regis & Regine, &c.* Du Cange, *Additiones*.

The Jews, (whilst they were admitted to live in England) paid *Chevagium* or Poll-Money to the King; as appears by *Pat. 8 Ed. 1. par. 1. m. 15.* And it was 3d. for every Head, paid yearly at Easter, in Token of their Servitude. *Stat. de Judaismo.*

**Chevantia**, A Loan or Advance of Money upon Credit. Fr. *Chavarice*, Goods, Stock. — *Idem Prioratus pene destructus, & possessiones sue ad plurimos terminos pro plurimis Chevantis alienate existunt.* (*Mon. Angl. 1 Tom. p. 629.*) i. e. Are mortgaged out for Debts, or Sums of Money borrowed — *Rex Recer. in Christo Patri W. Archieps. Cant. — Nos super executione effectus predicti ceperimus propositum ad partes externas personaliter transmeare; & Nos advertentes hujusmodi propositum nostrum absque Chevantia competenti ad optatum finem commode deduci non posse — necnon qualiter dicta Chevantia quietius & citius fieri, ac creditoribus nostris in hac parte meliori & firmior securitas solutionum dari poterit.* *Summon. ad Parl. 5. R. c.*

**Chebalia**, (*Chevescium*,) the same with *Chacea*; *Donationes etiam fecit Abbati, &c. de tota terra sua arabili cum Chevesciis.* *Mon. 2 Tom. p. 629.*

**Cheverilus**, A young Cock or Cockling, a *Cheveril*. *Mandatum est Vicecom. Southampton. quod in balliva sua perquiri faciat ad opus Regis contra instans Pascha quinquaginta gallinas & viginti Cheverillos liberandos apud Clarendon Seneschallis nostris. — Eodem modo scribitur Vicecom. Wilts. de tot gallinis & tot Cheverellis.* *Pat. 15 H. 3.*

**Chevisance**, (Fr. *Chevisance*,) an Agreement or Composition made; an End or Order set down between a Creditor and a Debtor; or sometimes taken for an indirec Gain or Booty. *Lord Vern-*

*lam* in his H. 7. But in our Statutes it is most commonly used for an unlawful Bargain or Contract. As 37 H. 8. cap. 9. 13 El. ca. 5, & 8. and 12 Car. 2. cap. 13. In *Rot. Parl. 21 Ed. 3.* it is written *Cheevances*.

**Chevittæ** and **Chevittæ**, (*Chevez*,) Hades at the End of plowed Lands. — *Novem acras terre cum Cheviscis ad ipsas pertinentibus.* *Mon. Angl. 2 par. fol. 116. and Pat. 9 Ed. 2. Par. 2. m. 2.*

**Chief**. See *Capite*.

**Chiefage**. See *Chevage*.

**Chief pledge**, (*Plegius, vel vas capitalis*). 20 H. 6. cap. 8. For the better Understanding of this Word, see *Borow-bead*.

**Childwit**, Sax. signifies a Power to take a Fine of a Bond-woman, unlawfully begotten with Child. *Prior habeat Gersumam de Nativa sua impragnata sine licentia maritandi.* *Ex Registro Priorat. de Cokesford.* Every reputed Father of a base Child, gotten within the Manor of *Writtel*, in *Com. Essex*, pays to the Lord for a Fine 3 s. 4 d. where it seems to extend as well to Free as Bond-women; and the Custom is there yet called *Childwit*. *Quicumq; illam culpam fecerit, vocat. Childwit, Archiepiscopus aut totam aut dimidiam emendationis partem habebit quietum esse de Childwit.* *Du Cange.*

**Chimin**, French *Chemin*, Signifies in Law Phrase a Way: It is divided into two Sorts, The King's Highway, and a private Way. *Kitchin*, fol. 35. The King's Highway, *Chiminus Regius*, is that by which the King's Subjects, and all under his Protection, have free Liberty to pass, though the Property of the Soil on each side, where the Way lieth, may perhaps belong to some private Man. A Way private is that, by which one Man or more have Liberty to pass, either by Prescription or by Charter, through another Man's Ground. And this is divided into *Chimin in Gros*, and *Chimin Appendant*. *Kitchin*, fol. 117. *Chimin in Gros* is that Way which a Man holdeth principally and solely in it self: *Chimin Appendant* is that which a Man hath adjoined to some other Thing or Appurtenant thereto. For Example, If a Man hire a Close or Pasture, and covenant for Ingress and Egress to and from the said Close, through some other Ground, by which otherwise he cannot pass: Or *Chimin in Gros* may be that, which the *Civilians* call *Personal*; as when one covenanteth for a Way through another Man's Ground for himself and his Heirs: *Chimin appendant*, on the other Side, may be that which they call *real*; as when a Man purchaseth a Way through another Man's Ground, for such as do or shall dwell in this or that House, for ever, or be owners of such a Manor. See *Co. on Lit. fol. 56.*

**Chiminage** (*Chiminagium*) Signifies a Toll for Wayfarage through the Forest. *Crompt. Jurisd. fol. 189.* *Telonium quod in Forestis exigebant Forestarii a plaustris & equis oneris causa eo venientibus.* *Charta Forestæ*, cap. 14. *Nullus Forestarius de cetero, qui non sit Forestarius de Feodo, reddens nobis firmam pro baliva sua, capiat Chiminagium aliquid in Baliva sua, &c.* — *Et quadam Consuetudo vocat.* The Feudists call it *Pedagium*. This in *Pulton*, fol. 8. is falsely printed *Chimnage*; and in a Record in the Tower I find *Chimage*.

**Chiminage**, inter *Reformel & Lestreithiel* quondam ad xii d. per an. MS. Survey of the Duchy of Cornwall.



**Chimney-Money**, Otherwise called **Hearth-Money**, by 14 Car. 2. cap. 12. Every Fire-Hearth and Stove, &c. (except such as pay not to Church and Poor) shall be chargeable with *Two Shillings per Annum* at *Michaelmas* and *Lady-day* to the King, &c. See **Smoke-Money**, **Hearth-Money**, and **Fuage**.

**Chin**, **Cheau**, **Chipping**, signifies the Place to be a Market-Town: From the Sax. *Ceapen*, *Cyppan*, *Emere*; as *Chippenham*, *Cheapside*, &c.

**Chippingabel**, rectius *Cheapingabel*, Toll for Buying and Selling. See **Bagavel**.

**Chirgemote**, **Chirgemore** or **Chirchgemot**, A Saxon Word signifying Forum Ecclesiasticum; *Quousque Chirgemote discordantes inveniet vel amore congreget, vel sequestret judicio*. Leg. H. 1. cap. 8. and 4 Inst. fol. 321.

**Chirograph** (*Chirographum*, or *Scriptum Chirographum*) signifies any publick Instrument of Gift or Conveyance, attested by the Subscription and Crosses of the present Witnesses, and was in the Saxon Times called *Chirographum*, which being somewhat changed in Form and Manner by the Normans, was by them stiled *Charta*. Of which *Ingulph* gives this good Account — *Chirographorum confectio Angliam, quae antea usque ad Edwardi Regis tempora Fidelium praesentium subscriptionibus cum crucibus aureis aliisque sacris signaculis firmaverant, Normanni condemnantes Chirographa Chartas vocabant, & Chartarum firmitatem cum cerea impressione per uniuscujusque speciale sigillum sub infiltratione trium vel quatuor testium adstantium conficere constituebant*. Hist. *Ingulph*. edit. Gale, pag. 901. Anciently, when they made a *Chirograph*, or Deed, which required a Counter-part, as we call it, they engrossed it twice upon one Piece of Parchment contrary-wise, leaving a Space between, in which they wrote in great Letters the Word **CHIROGRAPH**; and then cut the Parchment in two, sometimes even, sometimes with *Indenture*, thro' the Midst of the Word, concluding the Deed with, — *In cuius rei Testimonium utraq; pars mutuo scriptis praesentibus, fide media sigillum suum fecit apponi*. This was afterwards called *Dividenda*, because the Parchment was so divided or cut. And the first Use of these *Chirographs* was in Henry the Third's Time. See *Indenture*. *Chirograph* was also of old used for a Fine. — *Promittens fideliter fide media sub juramento prestiti, quod in adventu Justitiariorum prox. errantium levavi faciam Chirographum de praedicta Remissione, &c.* Charta Nestæ de Stanley sine dat. in Registro de Wormley. And the Manner of Engrossing the Fines, and cutting the Parchment in two Pieces, is still observed in that Office, which is called the *Chirographer's Office*. But as to Deeds, that was anciently called a *Chirograph*, which was described by the proper Hand-writing of the Vendor or Debtor, and delivered to the Buyer or Creditor; and it differed from *Syngraphus*, which was in this Manner; viz. Both Parties, as well the Creditor or Debtor, wrote their Names, and the Names of the Witnesses, and the Sum of Money borrowed, either in Paper, or on a Piece of Wood, and the Word *Syngraphus* in Capital Letters in the Middle; which Letters were cut in the Middle, and one Part delivered to each Party, that upon comparing them (if any Dispute should arise) they might tally, and so put an End to the Difference. When this prudent Custom had for some Time prevailed, then the Word *Chirographum* was appropriated to such bipartite Writings or *Indentures*. — *Et in huius rei testimonium huic scripto in modum*

*Chirographi confecto vicissim sigilla nostra apposuimus*. Mr. Kennet's Paroch. Antiq. p. 177. — *Ut autem ista conventio tuta & inconcussa perpetuo permaneat, praesentis scripti serie & utriusque Monasterii sigilli testimonio una cum sigillis Abbatum diviso inter eos Chirographo confirmata est*. Ibid. pag. 223. The *Chirographs* were called *Chartae Divise*, *Scripta per Chirographum divisa*, *Chartae per Alphabetum divise*, as the *Chirographs* of all Fines are at this Day.

**Chirographer of Fines**, *Chirographus Finium & Concordiarum*, Cometh of the Greek *χρηστωγραφος*, (a Compound of *χρηστω*, *Manus*, a Hand, and *γραφω*, *Scribo*, to write,) so that in plain English, it is a Writing of the Hand: It signifies in the Common Law, that Officer of the Common Pleas who ingrosseth Fines in that Court, acknowledged into a perpetual Record, after they be acknowledged and fully passed by those Officers by whom they were formerly examined, and that writeth and delivereth the *Indentures* of them unto the Party. 2 H. 3. ca. 8. and West. Symbol. par. 2. Tit. Fines, sect. 114, & 129. F. N. B. fol. 147. This Officer also maketh two *Indentures*, one for the Buyer, another for the Seller, and makes one other indented Piece, containing also the Effect of the Fine, which he delivereth over to the *Custos Brevirum*, that is called *The Foot of the Fine*. The *Chirographer* also, or his Deputy doth proclaim all the Fines in the Court every Term, according to the Statute; and then repairing to the Office of the *Custos Brevirum*, there indorleth the Proclamations upon the Backside of the Foot thereof; and always keepeth the Writ of Covenant, as also the Note of the Fine.

**Chitte**, A Shift, Shirt, or Shroud. — Thomas Cumberworth Knight, of the Diocese of Lincoln, by his last Will made in the Year 1450. thus provides for his Self-denying Funeral. — *Furst I gyff my Sawle to Gode my Lord and my Redemptur, and my wrechid Body to be beryd in a Chitte without any Kyste, (i. e. Coffin) in the North Yle of the Parych Kirke of Somersetby, &c.* Ex Reg. Marmaduci Lumley Episc. Linc.

**Chivage**. See **Chevage**.

**Chivalry**, (*Servitium militare*) Cometh of the French *Chevalier*, and signifieth in our Common Law a Tenure of Land by Knight's Service: For the better Understanding whereof, it is to be known, That there is no Land, but is holden mediately or immediately of the Crown by some Service, and therefore all our Free-holds that are to us and our Heirs are called *Feuda* or *Feoda*, Fees; as proceeding from the Beneficence of the King, for some small yearly Rent, and the Performance of such Services as originally were laid upon the Land at the Donation thereof; for as the King gave to the great Nobles, his immediate Tenants, large Possessions, for ever, to hold of him for this or that Service or Rent: And they again in Time parcellled out to such others as they liked the same Lands, for Rents and Services, as they thought good. And these Services are by *Littleton* divided into two Sorts, *Chivalry* and *Sorcery*: The former is martial and military, the other clownish and rustical; *Chivalry* therefore is a Tenure of Service, whereby the Tenant is bound to perform some noble or military Office unto his Lord; and is of two Sorts, either Regal, that is, such as may hold only of the King, or such as may hold only of a common Person: That which may hold only of the King is properly called *Servitium* or *Serjeantia*, and is again,

again divided into *Grand* or *Petit*, great or small; Great, commonly called *Grand Serjeanty*, is that where one holdeth Lands of the King by Service, which he ought to do in his own Person; as to bear the King's Banner or his Spear, or to lead his Host, or to find a Man at Arms to fight within the four Seas, &c. *Littl. Tit. Serjeanty*. *Petit Serjeanty* is where a Man holdeth Land of the King, to yield him annually some small Thing towards his Wars, as a Sword, Dagger, Bow, &c. *Littl. Tit. Petit Serjeanty*. *Chivalry* that may hold of a common Person, is called *Scutagium*, *Escuage*, that is, Service of the Shield, and this is either uncertain or certain. *Escuage* uncertain is likewise two-fold, First, Where the Tenant is bound to follow his Lord, going in Person, to the King's Wars against his Enemies, either himself, or to send a sufficient Man in his Place, there to be maintained at his Cost so many Days, as were agreed upon between the Lord and his first Tenant at the granting of the Fee. And the Days of such Service seem to have been rated by the Quantity of the Land so holden; as if it extended to a whole Knight's Fee, then the Tenant was bound to follow his Lord forty Days; and a Knight's Fee was so much Land, as in those Days was accounted a sufficient Living for a Knight, and that was 680 Acres as some hold, or as others 800, or 15 Pounds *per Annum*. *Camb. Brit. p. 110*. Sir Thomas Smith saith, *Census equestris* is forty Pounds Revenue in free Lands. But if it extend to half a Knight's Fee, then the Tenant is bound to follow his Lord but twenty Days; If to a fourth Part, then ten Days. *F. N. B. fol. 83, 84*. The other Kind of this *Escuage uncertain* is called *Castleward*, where the Tenant by his Land is bound either by himself or some other, to defend a Castle as often as it shall come to his Course. *Escuage certain*, is where the Tenant is set at a certain Sum of Money to be paid in lieu of such uncertain Service; as that a Man shall pay yearly for every Knight's Fee twenty Shillings. *Stow Annal. pag. 238*. for half a Knight's Fee ten, or some like Rate: And this Service, because it is drawn to a certain Rent, groweth to be of a mixt Nature; not merely Socage, for that it smelleth not of the Plough, and yet Socage in Effect, being now neither personal Service nor uncertain. *Lit. Tit. Socage*. This Tenure called *Chivalry*, hath other Conditions annex to it, as *Homage*, *Faalty*, *Wardship*, *Relief* and *Marriage*, *Braët. lib. 2. c. 35*. which, what they signify look in their Places: *Chivalry* is either *general* or *special*. *Dyer, f. 161. num. 47*. *General* seemeth to be where it is only said in the Feoffment, That the Tenant holdeth *per servitium militare*, without any Specification of *Serjeanty*, *Escuage*, &c. *Special*, That which is declared particularly, what kind of Knight's Service he holdeth by. But there is a great Alteration made in these Things by the Statute, made 12 Car. 2. cap. 24. which saith, All Tenures by Knight's Service of the King or of any other Person, Knight's Service in Capite or Socage; in Capite of the King, and the Fruits and Consequences thereof hapned, or which shall or may happen or arise thereupon, or thereby, are taken away and discharged: And all Tenures of Houses, Mannors, Lands, &c. shall be construed and adjudged to be turned into free and common Socage, &c.

*Chop-chitch* (*Ecclesiarium permutatio*) is a Word used 9 H. 6. cap. 65. a. By the Sense of which Book it was in those Days a Kind of Trade; for

for the Judges say it was a lawful Occupation, and a good Addition: Yet *Brook* in his *Abridgment* calls it not an Occupation, but a Thing permissible by Law. It was (without Doubt) a Nickname given to those that used to change Benefices; for to *chop and change* is an usual Expression to this Day. I have also read *Church-Chopper*, for him that used to make such Changes,

*Alii vero quorundam satorum zizania, subversorum fustitia, & inaudita abusionis inventorum, ut illis verbis utamur Choppe-Churches, communiter appellati, mediatione dolosa interveniente, execrabili ardore avaritia, quandoque in subdolis permutationibus, hos nimia inaequalitate Beneficiorum, ac illis quandoque obtentis Beneficiis, fucatis coloribus totaliter destituunt & defraudant. Litera. missa omnibus Episcopis suffraganeis Domini contra Choppe-Churches. An. 1391. Spelm. de Conc. vol. 2. fol. 642.*

*Choral*, *Choralis*, Is such a Person of whom Mr. *Dugdale* in his Hist. of St. Paul's Church, *pa. 172*. says, There were six, whom he calls *Vicars Choralis*, belonging to that Church, and signifies one that by Virtue of any of the Orders of Clergy, was in ancient Time admitted to sit and serve God in the Quire, which in *Latin* is termed *Chorus*.

*Choræpiscopi*, Suffragan or Rural Bishops, delegated by the Prime Diocesan; their Authority was restrained by some Councils, and their Office by Degrees abolished. After whom the Rural Deans were so commissioned to exercise Episcopal Jurisdiction, till inhibited by P. Alexander III. and the Council of Tours. See Mr. *Kennet's Paroch. Antiq. p. 639*.

*Chose*, *Fr. Thing*: It is used with divers Epithets; as *Chose Local* is such a Thing as is annexed to a Place. For Example; a Mill is *Chose Local*. *Chose Transitory* seems to be that Thing which is moveable, and may be taken away or carried from Place to Place. *Kitchin, f. 18*. *Chose in Action* is a Thing incorporeal, and only a Right; as an Annuity, Obligation for Debt, a Covenant, Voucher by Warranty, and generally all Causes of Suit for any Debt or Duty, Trespas or Wrong, are to be accounted *Choses in Action*. And it seems *Chose in Action* may be also called *Chose in Suspence*; because it hath no real Existence or Being, nor can properly be said to be in our Possession. *Brook, Tit. Chose in Action*.

*Chrism*, A Confection of Oil and Balsam consecrated by the Bishop, and used in the Popish Ceremonies of Baptism, Confirmation, and sometimes Ordination.

*Chrismale*, *Chrismal*, *Chrism*, *Crysom*, The Face-Cloth, or Piece of Linen laid over the Child's Head at Baptism, which of old was a customary Due to the Parish Priest. — *Mulieres sequentes debent offerre Chrismalia Infantum, nec Chrismalia debent alienari, nec in aliquos usus mitti debent, nisi in usus Ecclesie. — Statuta Aegidii Episc. Sarisbur. Anno 1256.*

*Chrysmatis denarii*, *Chrism-Pence*, Money paid to the Diocesan, or his Suffragan, by the parochial Clergy, for the *Chrism* consecrated by them about Easter, for the Holy Uses of the Year ensuing. This customary Payment being made in Lent near Easter, was therefore in some Places called *Quadragesimalis*, and in other *Paschals* and *Easter-Pence*. The Bishops Exaction of it was condemned by Pope Pius III. for Simony and vile Extortion: And therefore the Custom was released and quit-claimed by some of our English Bishops.

**Bishops.**—As Robert Bishop of Lincoln, by express Charter. — *Sciatis nos remississe Clericis omnibus infra Episcopatum Lincolniensem Paschalem consuetudinem quam Chrismatis denarios vocant* — Testibus Waltero Abbate de Kirkstede. Radulpho Abbate de Ludu. David Abbate de Barling. Magistro Gilberto de Sempringham. Cartular. Mon. de Berdeney. MS. Cotton.

**Christianitatis Curia**, Tho Court Christian or Ecclesiastical Judicature, opposed to the Civil Court or Lay Tribunal, or *Curia Domini Regis*. These Courts of Christianity were not only held by Bishops in Synods, and their Archdeacons and Chancellors in Consistories; but in the Rural Chapters, where the Rural Dean or *Decanus Christianitatis* presided, and the Parish-Priests were Assessors or Assistants. See Kennet's Discourse of Rural Deans, in his *Paroch. Antiq.* p. 641. Hence *Justitiam Christianitatis facere* was to prosecute and censure a Criminal in the Ecclesiastical Court. As Anno 28 Ed. 1. — *Alex. Linc. Episc. Guidoni de Charing Parochiano suo salut. Mando tibi & precipio ut cito reddas Ecclesia de Egnesham, & Waltero Abbati Eccl. suam de Meritona* — *Quod ni cito feceris, precipio ut Walterus Archidiaconus nobis justitiam Christianitatis faciat donec reddas.* Ib. p. 90.

**Chuepa**, Chop or Change — *Dedi essarta de Dominio Patris mei & unam virgata terre de Cheuppa quam Andreas tenet.* — Cartular. Radings. fol. 94.

**Church.** See Fabrick-Lands, and *Matrix Ecclesia*.

**Church-reeve**, Is the same with *Churchwarden*; *Reve* in the Saxon being as much as Guardian in the French, and signifies the Guardian or Overseer of the Church, as *Shire-Reeve* is the *Gardein* of Shire or County, and *Port-Reeve* of the Port or Haven, though afterwards it became a Name of Office. The Word is now out of Use, but used by Chaucer, speaking of the Jurisdiction of Archdeacons. See *Churchwardens*.

**Churchwardens**, *Ecclesiarum Gardiani*, be Officers yearly chosen, by the Consent of the Minister and Parishioners, according to the Custom of every several Place, to look to the Church, Church-yard, and such Things as belong to both, and to observe the Behaviours of their Parishioners for such Faults as appertain to the Jurisdiction or Censure of the Court-Ecclesiastical. These be a Kind of Corporation, enabled by Law to sue for any Thing belonging to their Church, or Poor of their Parish. See *Lamb. Duty of Churchwardens*.

**Churcheslet**, *Circifceat*, *Chirset* or *Curescet*, A Saxon Word mentioned in *Domesday*, and interpreted by Mr. Agar, *Quasi Semen Ecclesie*, Corn paid to the Church. *Fleta* calls it *Circsed*, lib. 1. cap. 47. and thereof writes thus, It signifies a certain Measure of Wheat, which in Times past every Man on St. Martin's Day gave to the Holy Church, as well in Times of the Britains as of the English; yet many great Persons after the Coming of the Romans gave that Contribution, according to the ancient Law of Moses, in the Name of First-fruits; as in the Writ of King Canutus sent to the Pope is contained, in which they call that Contribution, *Church-sed*, as one would say *Church-seed*. Seld. *Hist. Titles*, p. 216.

**Chursot**, *Church-fet*, or customary Oblations to the Parish-Priest: From which Duty the Religious had sometimes purchased an Exemption for themselves and their Tenants. — *Ita quod*

*ego Willielmus de Putot & Assignati mei in Effora erimus soluti & quieti de decimis minutis prestandis & de Chursot in villa de Neubold.* — Cartular. domus de Thelesford. MS.

**Churl**, *Ceorle*, *Carl*, was in the Saxons Time a Tenant at Will, of free Condition, who held some Land from the Thane, or Condition of Rents and Services, which *Ceorles* were of two Sorts; one that hired the Lord's Out-land or Tenementary Land, like our Farmers; the other that tilled and manured the Inland or *Demains* (yielding *operam* not *censum*, Work and not Rent) and were thereupon called his Sockmen or Ploughmen. *Vid. Spelman of Feuds*.

**Cillurnum**, *Colkerford* in Northumberland.

**Cinnamon**, *Cinnamomum*, Is a Tree whereof the Bark is known to be pleasant, and a comfortable and medicinal Spice, which you have described in Gerard's *Herbal*, lib. 3. cap. 142. This is reckoned among garbleable Spices Anno 1 Jac. cap. 19.

**Cinque Ports**, *Quinque Portus*, are those special Havens that lie toward France, and therefore have been thought fit by our Kings from Time to Time to be such as ought most vigilantly to be guarded against Invasion: In which respect the Places where they be, have an especial Governor or Keeper called, by his Office, Lord Warden of the Cinque Ports, and divers Privileges granted unto them, as a particular Jurisdiction, their Warden having the Authority of an Admiral among them, and sending out Writs in his own Name. *Crompton* in his *Jurisdiccions*, f. 28. nameth *Hastings*, *Rumney*, *Rye*, *Dover*, *Sandwich*, *Winchelsea* and *Hythe*, whereof some, because the Number exceedeth five, must either be added to the first Institution by some later Grant, or be accounted as Appendants to some of the Rest. See *Gardeine of the Cinque Ports*, and the Statute 31 H. 8. cap. 48. See *Quinque Portus*, and 4 *Inst.* fol. 222.

**Cippus**, A Pair of Stocks to put Offenders in. — *Habeant, necnon Cippos & conclusoria in singulis villis, ad correctionem delinquentium.* Mon. Ang. 2 par. f. 349. a.

**Circa**, i. e. a Watch: From which *Circuitor*: *Quatuor Circuitores Monasterii quos alio nomine Circas vocant, juxta preceptum sancti Benedicti certis horis circuire debent Monasterii officinas.* Du Cange.

**Circada**, a Tribute which was paid to the Bishop or Archdeacon for visiting the Churches. *Du Fresne*.

**Circuity of Action**, (*Circuitus Actionis*) Is when an Action is rightfully brought for a Duty, but yet about the Bush, as it were, for that it might have been as well otherwise answered and determined, and the Suit saved; and because the same Action is more than needful, it is called *Circuity of Action*; as if a Man grant a Rent-charge of ten Pounds out of his Manor of Dale, and after the Grantee disseizes the Grantor of the same Manor, and he brings an Assise, and recovers the Land and twenty Pounds Damages, which twenty Pounds being paid, the Grantee of the Rent sues his Action for ten Pounds of the Rent due during the Time of his Disseisin, which if no Disseisin had been, he must have had. This is called *Circuity of Action*, because it might have been more shortly answer'd; for whereas the Grantor shall receive 20*li.* Damages, and pay 10*li.* Rent, he might have received but the 10*li.* only for the Damages, and the Grantee might have cut off, and kept back the

the other 10 *li.* in his Hands, by way of Detainer for his Rent, and so thereby might have saved his *Action*.

*Circumspecte Agatis*, Is the Title of a Statute made 13 E. 1. *Anno Domini*, 1285. prescribing some Cases to the Judges, wherein the King's Prohibition lies not. *Co. lib. 7. f. 44. lib. 5. f. 67. and 2 Par. Inst. fol. 487.*

*Circumstantibus*, In English *By-standers*, Is a Word of Art, signifying the Supply or making up of the Number of Jurors (if any impanelled do not appear, or appearing, be challenged by either Party) by adding to them so many other of those that are present or standing by, as will serve the Turn. 35 H. 8. ca. 6. 5 Eliz. cap. 25.

*Circumceller*. See *Corinium*.

*Ciriseat*, (Sax. *Ciric-seat*, *Vestigal Ecclesiasticum*, *frumenti tributum*) Church-scot, a certain Portion, Tribute, or Payment, made to the Church, of Corn, Fruit, or any other Thing. *Fleta* called it *Cirised*, *quasi*, *Semen Ecclesie debitum*. *Fob. Southam ad Festum. S. Martini in Yeme debet 1 Gallinam (de redditu) & 5 Gallinas de Chiriseat. Custum. Monast. de Bello. fol. 87. a.* This Tribute was anciently payable at the Feast of St. Martin, as appears by *Domesday*, and called by Sir Edw. Coke Church-seed. *Coke on Littl. fol. 88. b.* See *Churchesfeet*.

*Cirischus homo*, a Churl, or Countryman.

*Citimus*, a Beast whose Skin was used to make rich Garments.

*Cismus obrepst & vestitura potenter Marturis, & spolio non leviora Bever.*

*Citatio ad instantiam partis*, (22 & 23 Car. 2. Stat. for laying Impositions on Proceedings at Law).

*City*, In the Lat. *Urbs*, *Civitas*, and *Oppidum*: It is named *Civitas*, in regard it is governed in Justice, and Order of Magistracy. *Oppidum*, for that it contains a great Number of Inhabitants; and *Urbs*, because it is in due Form begirt about with Walls. *Civitas* according to *Aristotle*, li. *Politior. cap. 1.* is defined to be a certain or uniform Government of the Inhabitants, & *Cesar Civitatem vocat, populum eodem jure utentem*. *Camb. Brit. p. 310.* But this is the general Definition of a Common-wealth, and not of a City, at least as we now a-days take it. *City* is a Word which hath obtained since the Conquest: For in the Time of the Saxons there were no Cities, but all great Towns were called *Burghs*; and even London was then called *Lunden Burgh*, i. e. *London Borough*. And long after the Conquest the Word *City* is us'd promiscuously with *Burgh*, as in the Charter of *Leicester* 'tis called both *Civitas* and *Burgus*; which shews that my Lord Coke was mistaken, when he tells us that every City was or is a Bishop's See: Nor had Gloucester then any Bishop, tho' it is called a City in *Domesday*. And he himself observes in another Place that Cambridge was a City by ancient Record, viz. *Mich. 7 R. 1. Rot. 1. tho' it never had a Bishop*. And in the Stat. 11 H. 7. c. 4. 'tis called *Cambridge Town*.

So that though the Word *City* signifies with us such a Town Corporate as hath usually a Bishop and Cathedral Church, yet 'tis not always so. And *Crompton* reckoning our Cities, leaves out *Ely*, tho' it has a Bishop and a Cathedral Church.

*Anno 35 Eliz. cap. 6. Westminster* is called a City; and it appears by the Statute 35 H. 8. c. 10. that then there was a Bishop of *Westminster*. But by Letters Patent dated 21 May, 2 Eliz. (pursuant to an Act of Parliament of 1 Eliz. not printed) the Revenues of that late Monastery were vested in the Dean and Chapter of the Collegiate Church of *Westminster*, which hath caused Error in the Pleadings of some Cases, by styling it the Cathedral, for Collegiate Church of *Westminster*. *Cassaneus de Consuetud. Burgun. pag. 15.* saith, That France hath within its Territories one hundred and four Cities; and gives his Reason, because there are so many Sees of Archbishops and Bishops.

*Clack*; as, to clack, force, or bard, alias beard, good Wool. *Anno 8 Hen. 6. cap. 22.* Whereof the first, viz. To clack Wool; is to cut off the Sheep's Mark, which makes it weigh less, and to yield the less Custom to the King. To force Wool, is to clip off the Upper and hairy Part of it. To bard or beard it, is to cut the Head and Neck from the rest of the Fleece. *Noverit universitas vestra nos vendidisse & concessisse. 62. saccos lanae de collecta monasterii nostri sine Clack & Lok God & Card nigra grissa vilem tuisen, &c. sine pelle. Du Cange.*

*Clades*. See *Cleia*.

*Cladus*, *Clades*, *Clada*, *Cleta*, *Clida*, *Cleia*, From the Brit. *Clie*; the present Irish *Clia*, a Wattle or Hurdle, whence *Dublin* was formerly called *Biurle Cliet*, i. e. *Watlington*, the Town of Hurdles. — A Hurdle for penning or folding Sheep is still in some Counties of England called a *Cley*. — *Et in xii. Cladis ovilibus emptis de Nicolao Aleyn hoc anno xviii. den. & in solutis pro putatione & factura triginta Cladorum ovilium apud parcum de Midlington hoc anno xix. den.* — Paroch. Antiq. p. 577.

*Claga*. See *Cleia*.

*Claim* (*Clameum*) is a Challenge of Interest in any Thing that is in the Possession of another, or, at least, out of his own; as *Claim* by Charter, *Claim* by Descent, &c. *Old Nat. Br. fol. 11.* *Si Dominus infra annum Clameum qualitercunque appuerit. Bracton, lib. 1. cap. 10.* See the Definition and divers Sorts of *Claim* in *Plowden. Casu Stowel, fol. 359. a.*

*Clamea Admittenda in itinere per Attornatum* is a Writ whereby the King commands the Justices in Eyre to admit one's *Claim* by Attorney, who is employed in the King's Services and cannot come in his own Person. *Reg. of Writs, fol. 19. b.*

*Clap-board* (*An. 35 Eliz. ca. 11.*) is Board cut in order to make Casks or Vessels.

*Clarentius*. See *Herald*.

*Claretum*, A Liquor made of Wine and Honey, clarified or made clear by Decoction, &c. which the Germans, French, and English, called *Hippocras*. And it was from this, the red Wines of France were called *Claret* and *Clovet*. — *Ad hac etiam in tanta abundantia vinum hic videas, & siceram, pigmentum, & claretum, mustum & medonem. Girald. Cambr. apud Whartoni Angl. Sac. P. 2. p. 480.*

*Clarigarius Armozum*, an Herald.

*Clario*, a Trumpet. *Statimque clangebant Clariones & Tuba. Knighton, Anno 1346.*

*Clasarius*, a Seaman, or Soldier serving at Sea — *Omnesque ejus Capitaneos, Milites & Clasarios.* — *Charta Caroli 5 Imperatoris Thomæ Comiti Surr. dat. in urbe Londinensi, 8 Junii, 1522.*

*Classicum*,



**Clasficum**, a Ring of Bells. *Propric est concentus omnium instrumentorum simul sonantium. Campanis per totam civitatem ad Clasficum pulsantibus.* Du Cange.

**Claud.** Brit. a Ditch. — *Per illum rivulum usque ad quoddam Claud. juxta Coitmaur. Carta Le-wellei Principis Wall. dat. An. 1198.*

**Claudere**, To enclose, or turn open Fields into Closes and Enclosures. — *Dedi & concessi totam culturam ad claudendum & faciendum quicquid inde distis Canonis placuerit.* Paroch. Antiq. p. 236.

**Claves Insulæ**, i. e. the Keys of the Island. In the Isle of Man all ambiguous and weighty Cases are referred to twelve, whom they call *Claves Insule*.

**Clavia**, The Clovery, or Mace, or Club. In the Inquisition of Serjanties in the 12th and 13th Year of King John, within the Counties of Essex and Hertford — *Boydin Aylet tenet quatuor libr. terra in Bradwell, per manum Willielmi de Dona per Serjantiam Claviæ, i. e. by the Serjanty of the Club or Mace.* See Dr. Brady's Append. to Introduc. to Eng. Hist. p. 22.

**Clavigeratus**, i. e. a Treasurer of a Church. *Aliter Willielmus Wallingford Clavigeratus.* Monast. 1 Tom. p. 184.

**Claude Rouls**, *Rotuli Clausi*, preserved in the Tower, and containing such Matters of Records as were committed to *Clofe Writts*.

**Clausentum**, Southampton.

**Claustick**, *Claustike*, The Claw-sickness, or Foot-rot in Sheep. — *An. 1277. invaluit generalis scabies ovium per universam regionem Angliæ quæ a vulgo dicebatur clausick, per quam infecta sunt omnes terræ, ad quarum scabiem abolendam adinventæ est quædam unctio confecta ex vivo argento & uncto porcino.* Annal. Warverle, sub An. — We have not lost the Disease, nor found a better Receipt for it.

**Claustura**, Brush-wood for Hedges or Fences. — King Henry the Third, gave to the Prior and Canons of Chetwode, — *quinque carucatas claustræ ad præd. terræ claustrum sustinendam.* Paroch. Antiq. p. 247. This Sort of Wood is in many Parts of England called *Teenage*, from Sax. *Tynan*, to enclose or shut; whence to *Tine* the Door, i. e. to shut it. It also signifies an Enclosure, or that which fences it. *In sepibus, in claustris, in communibus, &c.* Mon. Angl. Tom. 2. fol. 409.

**Clausum fregit**, Signifies as much as an Action of Trespass; and so called, because in the Writ such a one is summoned to answer *Quare clausum fregit*, that is, why he did such a Trespass. Mr. Somner, in his Saxon Dictionary, conceives the Original of those much used Words in our Law-Pleading might come from the Saxon *Eder-bryce*, which signifies *Hedge-breaking*, the Boughs which close the Top of the Hedge being usually called *Etherings*.

**Clausum Paschæ**, Stat. of Westm. 1. *Lendemain de la Cluse de Pasche*; that is, In *Craftino clausi Pasche*, or, in *Craftino Octabis Paschæ*, which is all one; viz. The Morrow of the Utas of Easter. 2 Part. Inst. f. 157. — *Ad Curiam cum visu Franci Pleg. tent. apud Maudin die Jovis prox. post Festum Clausi Paschæ, anno 17 Ed. 4. Testatum fuit quod, &c. Clausum Paschæ, i. e. Dominica in Albis; sic dictum, quod Pascha Claudat.*

**Clausura Heræ**. *Johannes Stanley Ar. clamat quod ipse & heredes sui sint quieti de clausura Heyæ*

de Maunclesfield, scil. clausura unius roda terra civiter hayam præditt. Rot. plac. in Itinere apud Cestriam. An. 14 H. 7. This clausura heyæ is no more than the Enclosure of a Hedge.

**Clawæ**, a Close, or small Enclosure. — *Ego Adam Heleman Frater Willielmi Helleman pro amina mea salute dedi — Deo & Ecclesiæ beat. Apostolorum Petri & Pauli de Plimpton. — Unam domum cum borto in villa de Ooredene & unum clawam terræ cum pertinentiis in terra de Ooreden — quæ scilicet clawa terra sic jacet per partes. — Ex Registr. de Plimpton MS. Probably from the Saxon *Clea*, *Angulus*, A Nook of Land.*

**Cleia**, *Cleta*, *Clades*, a Hurdle. *Si murdum inveniatur alicubi, custodiatur 7 diebus super Cletam.* Leges H. 1. cap. 92. Item pro 18 Cladibus faciendis ad ovile sex denar. Somner Gavel, f. 190.

**Cleptor**, a Thief or Rogue. *Dum suum Dapiferum a manibus pessimi Cleptoris ne occideretur vellet eripere.* Hoveden, Anno 946. Flor. Worc. pag. 604.

**Clergy** *Clerus* is diversly taken; sometimes for the whole Number of those who are *De Clero Domini*, of our Lord's Lot or Share, as the Tribe of Levi was in Judea; sometimes for a Plea to an Indictment or an Appeal, and is by Staundford (*Pl. Cor. lib. 2. c. 41*), thus defined: — *Clergy* is an ancient Liberty of the Church, which hath been confirmed by divers Parliaments, and is when a Priest, or one in Orders, is arraigned of Felony before a secular Judge, he may pray his *Clergy*; which is as much as if he prayed to be delivered to his Ordinary, to purge himself of the Offence objected. And this might be done in Case of Murder. *Coke, lib. 4. f. 46. a.* This Liberty is mentioned in *Articulis Clerici*, An. 9 E. 2. c. 26. And what Persons might have their *Clergy*, and what not, see Staundf. *Pl. Cor. lib. 2. c. 42, & 43.* Yet there are many Statutes made since he wrote that Book, whereby the Benefit of the *Clergy* is abridged; as Anno 8 El. c. 4. — 14 ejusdem, cap. 5. — 18 ejusdem, c. 4, 6, 7. — An. 23 ejusdem, c. 2. — 29 ejusdem, c. 2. 31 ejusdem, ca. 12. and 39 ejusdem, c. 9, & 15. Of this see Crompton's *Justice of Peace*, f. 102, & 105. and Lambard's *Eiren. lib. 4. c. 14.* And note, That the ancient Course of Law in this Point is much altered: For by the Statute of 18 El. ca. 7. Clerks are no more delivered to their Ordinaries to be purged; but now every Man to whom this Benefit is granted, tho' not in Orders, is put to read at the Bar after he is found guilty and convicted of such Felony, and so burnt in the Hand, and set free for the first Time, if the Ordinary's Commissioner or Deputy standing by do say, — *Legit ut Clericus*; or otherwise he suffers Death for his Transgression.

As to the *Clergy* in general, though they claim an Exemption from all secular Jurisdiction, yet Matthew Paris tells us, That soon after William the First had conquered Harold, he subjected the Bishopricks and Abbeyes who held *per Baroniam*, (and who till then were exempted from all secular Service,) that they should be no longer free from military Services; and for that Purpose he in an arbitrary Manner registered how many Soldiers every Bishoprick and Abbey should provide, and send to him and his Successors in Time of War; and having placed these Registers of Ecclesiastical Servitude in his Treasury, those who were agrieved, departed out of the Realm.

But the *Clergy* were not till then exempted from all secular Service; because by the Laws of King *Edgar* they were bound to obey the secular Magistrate in three Cases, viz. Upon any Expedition to the Wars, and to contribute to the building and repairing Bridges and Castles for the Defence of the Kingdom.

'Tis probable that by Expedition to the Wars, it was not intended that they should personally serve, but contribute towards the Charge. One they must do; as appears by the Petition to the King Anno 1267, viz. *Ut omnes Clerici tenentes per Baroniam vel feudum laicum, personaliter armati procederent contra Regios adversarios; vel tantum Servitium in expeditione Regis invenirent, quantum pertineret ad tantam terram vel tenementum.* Their Answer was, That they ought not to fight with the Military, but with the Spiritual Sword, that is, with Prayers and Tears; that they ought to maintain Peace, and not War, and that their Baronies were founded in Charity, for which Reason they ought not to perform any military Service.

*Clerico admittendo*, Is a Writ directed to the Bishop, for the admitting of a Clerk to a Benefice upon a *Ne admittas*, tried and found for the Party that procureth the Writ. *Reg. Orig. fol. 31.*

*Clerico rapto per Statutum Mercatorum, &c.* Is a Writ directed to the Bishop, for the Delivery of a Clerk out of Prison, that is in Custody upon the Breach of a Statute-Merchant. *Reg. Orig. fol. 147.*

*Clerico convicto commisso Cao'æ in defectu ordinarii deliberando, &c.* Is a Writ for the Delivery of a Clerk to his Ordinary, that formerly was convicted of Felony, by reason his Ordinary did not challenge him according to the Privileges of Clerks. *Reg. Orig. fol. 69. a.*

*Clerico infra sacros Ordines constituto non eligendo in Officium*, Is a Writ directed to the Bailiffs, &c. That have thrust a Bailiwick, or Beadleship upon one in Holy Orders, charging them to release him again. *Reg. Orig. fol. 143. a.*

*Clericus*. The Word was used for a secular Priest, in Opposition to a Religious or Regular. King *John* in the Time of the Interdict, committed to *William de Cornhill*, and *Gerard de Camvill*, — *Omnes terras & res Abbatum & Priorum, & omnium Religiosorum, & etiam Clericorum de Episcopatu Linc. Paroch. Antiq. p. 171.*

*Clericus Sacerdotis*, A Parish-Clerk, or inferior Assistant to the Parochial Priest, who usually took an Oath of Fidelity from this Servant. Before the Reformation, the Rector was sometimes obliged to provide and maintain his own Clerk; and sometimes the religious Appropriators were bound to find and support a Clerk, as a menial Servant to the Vicar. So in the Churches appropriated to the Abbey of *Oseney*, — *Canonici vero Clericum Vicario, & Ecclesiæ ministerio, & ejus obsequio devotum invenient, qui juramentum fidelitatis ipsi Vicario præstabit, — Ubi autem non fuerint Canonici residentes, Clericus, qui, ut supra dictum est, expensis eorum procurabitur, clavem eorum deferet in domo eorum, &c. Paroch. Antiq. p. 304.* The Parish-Clerks were formerly to be Men of Letters, and to teach a School in the Parish, and were sometimes elected by the Parishioners, two for each Church, as the *Sacristan* or *Sexton* and Clerk in our City Churches, being supposed to live upon the Alms and voluntary Contributions of their Ele-

ctors. So *John Peckham* Archbishop of *Canterbury*, Anno 1280. ordained the Church of *Banquel*, and the Chapels annex to it, — *Voluntus insuper ibidem esse duos Clericos Scholasticos per Parochianorum, de quorum habeant vivere elemosynis, industriam eligendos, qui Aquam benedictam circumferent in Parochiam, ac capellis diebus Dominicis & Festivis, in Divinis ministrantes officiis, & profectis diebus disciplinis Scholasticis indulgentes.* *Mon. Angl. Tom. 3. p. 227.* Parish-Clerks were to be School-Masters in Country Villages, by the Constitutions of *Alexander* Bishop of *Coventry*, Anno 1237, &c. Hence the School-House, or Place of Teaching was often in the Belfrey, in the Church-Porch, or some contiguous Building: And hence the profaner Use of still teaching in the Chancels. It would however be of good Service to the Church and Nation, to restore this ancient Practice, especially in remote Country Villages, where the Clerk would do more to the Service of God, and the Benefit of the People, if he were able to instruct the Children in Reading and Writing, and understand the Church Catechism; thus they might be bred to some Sense of Christianity and good Manners.

*Clerk, Clericus*, hath two Significations; one as it is the Title of him that belongeth to the holy Ministry of the Church, that is (as we reckon) either Minister or Deacon, or what other Degree or Dignity soever; though according to former Times, not only *Sacerdotes & Diaconi*, but also *Subdiaconi, Lectores, Acholyti, Exorciste, & Officarii*, were within this Account, as they be at this Day, where the Canon Law hath full Power. And in this Signification a Clerk is either Religious (otherwise called Regular) or Secular. *An. 4 H. 4. c. 12.* This Word *Clericus* comprehends all Sorts of Priests, Deacons, and others in Holy Orders, either Secular or Regular; but more properly a Minister or Priest, or one who is more peculiarly called in *sortem Domini*. *Poor Vicar's Plea, fol. 13.* Yet *Johannes Sazuel Clericus Domini Regis, (scil. E. 1.)* was supposed to signify Secretary or Clerk of his Council. *Antiq. of Nottinghamshire, fol. 317.* The other Signification of this Word noteth those that by their Function, or Course of Life, practise their Pen in any Courts, or otherwise; as namely the Clerk of the Rolls of Parliament; Clerks of the Chancery, and such like, whose peculiar Offices shall be set in Order.

*Clerk of the Acts* is an Officer of good Account in the Navy-Office, who receives and records all Orders, Contracts, Bills, Warrants, and other Businesses, transacted by the Lord Admiral and Commissioners of the Navy; and is mentioned in the Stat. 16 Car. 2. cap. 5. and 22 & 23 Car. 2.

*Clerk of Assise (Clericus Assisarum)* is he that writes all Things judicially done by the Justices of Assise in their Circuits. *Crompt. Jurisd. fol. 227.*

*Clerk of the Bails*, (22 & 23 Car. 2. c. 9. of impos. on Proceeding at Law) is an Officer belonging to the Court of King's Bench.

*Clerk of the Check* is an Officer in the King's Court, so called, because he hath the Check and Controlment of the Yeomen of the Guard, and all other ordinary Yeomen, belonging either to his Majesty, the Queen, or Prince; either giving Leave, or allowing their Absences or Defects in Attendance, or diminishing their Wages for the same. He also nightly, by himself, or Deputy, takes the View of those that are to watch in the

Court, and hath the setting of the Watch. This Officer is mentioned *Anno 33 Hen. 8. cap. 12.* Also there is an Officer of the same Name in the King's Navy, and mentioned *Anno 19 Car. 2. c. 1.*

Clerk of the Chest, (*An. 16 Car. 2. c. 5.*) keeps an Account of the Monies collected, and kept in a Chest, for the Use of sick and maimed Seamen and Mariners.

Clerk of the Crown (*Clericus Corona*) is a Clerk or Officer in the King's Bench, whose Function is to frame, read, and record all Indictments against Traitors, Felons, and other Offenders, there arraigned or indicted upon any publick Crime. He is otherwise termed Clerk of the Crown-Office. And *Anno 2 Hen. 4. 10.* he is called Clerk of the Crown of the King's Bench.

Clerk of the Crown in Chancery (*Clericus Corona in Cancellaria*) is an Officer there, who, by himself or Deputy, is continually to attend the Lord Chancellor, or Lord Keeper; writes and prepares, for the Great Seal of England, special Matters of State by Commission, or the like, either immediately from his Majesty, or by Order of his Council, as well ordinary as extraordinary, viz. Commissions of Lieutenancy, of Justices Itinerant, and of Assises of Oyer and Terminer, of Gaol-Delivery, and of the Peace, with their Writs of Association, and the like. Also, all General Pardons upon Grants of them, at the King's Coronation, or at the Parliament, where he sits in the Lords House in Parliament-time; into whose Office the Writs of Parliament, made by the Clerks of the Pettibag, with the Names of Knights and Burgeses elected thereupon, are to be returned and filed. He hath also the Making of all special Pardons and Writs of Execution upon Bonds of Statute-Staple forfeited, which was annexed to his Office in the Reign of *Q. Mary*, in Consideration of his continual and chargeable Attendance: Both these before being common for every Curfitor and Clerk of the Court of Chancery to make.

Clerk of the Deliveries is an Officer in the Tower, who takes Indentures for all Stores issued thence.

Clerk of the Errors (*Clericus Errorum*) in the Court of Common Pleas, does transcribe and certify into the King's Bench, the Tenor of the Records of the Cause or Action; upon which the Writ of Error (made by the Curfitor) is brought, there to be judged and determined. The Clerks of the Errors in the King's Bench, does likewise transcribe and certify the Records of such Causes in that Court into the Exchequer, if the Cause or Action were by Bill: If by Original, the Lord Chief Justice certifies the Record into the House of Peers in Parliament, by taking the Transcript from the Clerk of the Errors, and delivering it to the Lord Keeper, there to be determined, according to the Statutes 27 El. 8. and 31 El. 1. The Clerk of the Errors in the Exchequer does transcribe the Records, certified thither out of the King's Bench, and prepares them for Judgment in the Court of Exchequer, to be given by the Justices of the Common Pleas, and Barons there. See 16 Car. 2. cap. 2. and 20 Ejsdem, cap. 4.

Clerk of Effoins (*Clericus Effionum*) is an Officer belonging to the Court of Common Pleas, who keeps the Effoin-Rolls, and hath for every Execution to bar the Effoin, in Case where the Party hath omitted his Time, six Pence. He hath also the Providing of Parchment, and Cut-

ting it out into Rolls; and Marking the Numbers upon them, and the Delivering out of all the Rolls to every Officer, the Receiving them again when they are written, and the Binding and Making up the whole Bundles of every Term; and this he doth as Servant to the Chief Justice. For the Chief Justice is at Charge for the Parchment of all the Rolls; for which he is allowed, as the Chief Justice of the King's Bench, besides the Penny for the Seal of every Writ of Privilege and Outlawry, the seventh Penny taken for the Seal of every Writ under the Green Wax, or Petit Seal, in the Court of King's Bench and Common Pleas respectively, the said Lord Chief Justices having annexed to their several Offices or Places, the Custody of the said Seals belonging to each Court.

Clerk of the Excheats (*Clericus Excheatorum*) is a Clerk belonging to the Exchequer, who termly receives the Excheats out of the Lord Treasurer's Remembrancer's Office, and writes them out to be levied for the King. He also makes Schedules of such Sums excheated, as are to be discharged. See the Practice of the Exchequer, pag. 82.

Clerk of the Hamper, or Manaper, (*Clericus Hanaperii*) is an Officer in Chancery (*Anno 2 E. 4. cap. 1.*) otherwise called Warden of the Hamper, in the same Statute, whose Function is to receive all the Money due to the King for the Seals of Charters, Patents, Commissions, and Writs; as also Fees due to the Officers for enrolling and examining the same, with such like. He is tied to Attendance on the Lord Chancellor, or Lord Keeper daily in the Term-Time, and at all Times of sealing, having with him leather Bags, wherein are put all Charters, &c. after they are sealed; those Bags, being sealed up with the Lord Chancellor's private Seal, are delivered to the Controller of the Hamper, who upon Receipt of them, doth, as you shall read in his Office. This Hanaper represents a Shadow of that which the Romans termed *Fiscum*, which contained the Emperor's Treasure.

The Exchequer was anciently so called, because in eo reconderentur Hanapi & scutae ceteraque vasa qua in censum & tributum persolvi solebant; thus we read in the *Monst. 1 Tom. pag. 943. Rex, &c. Cum de gratia nostra speciali & pro quodam fine, &c. solut. &c. in Hanaperio nostro concesserimus*: Or it may be so called, because the yearly Tribute which Princes received, was in Hampers or large Vessels full of Money.

Clerk of the Furies or Furata-Writs, (*Clericus Furatorum*) is an Officer belonging to the Court of Common Pleas, who makes up the Writs call'd *Habeas Corpora* and *Distringas*, for Appearance of Furies, either in Court, or at the Assises, after the Fury or Panel is returned upon the *Venire facias*. He enters also into the Rolls the Awarding of these Writs, and makes all the Continuances from the going out of the *Habeas Corpora*, until the Verdict be given.

Clerk Comptroller of the King's House, whereof there are two, is an Officer in the Court that hath Authority to allow or disallow the Charges and Demands of Pursuivants, Messengers of the Green-Cloth, or other like. He hath also the Oversight and Controlling of all Defects and Miscarriages of any the inferior Officers, and to sit in the Counting-House with the superior Officers, viz. The Lord Steward, Mr. Treasurer, Controller, and Cofferer, either for correcting,

or bettering Things out of Order. This Officer is mentioned *Anno 33 H. 8. c. 12.*

Clerk Barthol of the King's House seems to be an Officer that attends the Marshal in his Court, and records all his Proceedings. *Anno 33 H. 8. c. 12.*

Clerk of the King's Silber, (*Clericus Argentis Regis*) is an Officer belonging to the Court of Common Pleas, to whom every Fine is brought, after it hath been with the *Custos Brevium*, and by whom the Effect of the Writ of Covenant is entered into a Paper-Book; and, according to that Note, all the Fines of that Term are also recorded in the Rolls of the Court. And his Entry is in this Form: He puts the Shire in the Margin, and then saith, *A. B. dat. Domino Regi dimidiam marcam* (or more according to the Value,) *pro licentia concordandi cum C. D. pro talibus terris, in tali villa, & habet chirographum per pacem admissum, &c.*

Clerk of the King's Great Wardrobe (*Clericus Magnæ Garderobæ Regis*) is an Officer of the King's House, that keeps an Accompt or Inventory in Writing, of all Things belonging to the King's Wardrobe. Mention'd *Anno 1 Ed. 4. cap. 1.*

Clerk of the Market (*Clericus Mercati Hospitii Regis*) is an Officer of the King's House, (*Anno 1 Ed. 4. cap. 1. and Anno 13 R. 2. cap. 4.*) whose Duty is to take Charge of the King's Measures, and to keep the Standards of them, that is, the Examples of all the Measures that ought to be thro' the Land: As of Ells, Yards, Lagens, Quarts, Pottles, Gallons, &c. Of Weights, Bushels, and such like; and to see that all Measures in every Place be answerable to the said Standard. *Fleta, lib. 2. cap. 8, 9, 10, 11, 12.* Of which Office, as also of our Diversity of Weights and Measures, you may there find a Treatise worth the Reading. Briton also, in his 30 Chap. saith in the King's Perton, to this Effect: *We will that none have Measures in the Realm, but we our selves; but that every Man take his Measures and Weights from our Standards.* And so goes on with a Treatise of this Matter, that well shews the ancient Law and Practice in this Point. Touching this Officer's Duty, you have also good Statutes, *An. 13 R. 2. c. 4. and an. 17 Car. 2. cap. 19.* See 4 *Inst. f. 273.*

Clerk of the Nichils or Nihilis (*Clericus Nihilorum*) is an Officer in the Exchequer, who makes a Roll of all such Sums as are nibiled by the Sheriffs upon their Estreats of Green-Wax, and delivers the same into the Lord Treasurer's Remembrancer's Office, to have Execution done upon it for the King. See the Stat. 5 R. 2. cap. 13. Stat. 1. and Practice of the Exchequer, pag. 101. See *Nihil.*

Clerk of the Ordinance is an Officer in the Tower, who registers all Orders touching the King's Ordinance.

Clerk of the Outlawries (*Clericus Utlagariorum*) is an Officer belonging to the Court of Common Pleas, being only the Servant or Deputy to the King's Attorney General, for making out Writs of *Capias Utlagatum*, after Outlawry; the King's Attorney's Name being to every one of those Writs. And whereas seven Pence is paid for the Seal of every other Writ, betwixt Party and Party, there is but a Penny paid for the Seal of this Writ, because it goes out at the King's Suit.

Clerk of the Paper-Office is an Officer in the King's Bench.

Clerk of the Parcels is an Officer in the Exchequer.

Clerk of the Parliament-Rolls (*Clericus Rotulorum Parliamenti*) is he that records all Things done in the High Court of Parliament, and engrosseth them fairly in Parchment-Rolls, for their better Preservation to Posterity. Of these there are two, one of the Lords House, another of the House of Commons. *Crompt. Jurisd. f. 4 & 1 Smith de Rep. Angl. pag. 38.* See also *Vowel's Book*, touching the Order of the Parliament. See *Fleta, lib. 2. c. 12. p. 31.*

Clerk of the Patents, or of the Letters Patent under the Great of England, was erected 18 Jac.

Clerk of the Peace (*Clericus Pacis*) is an Officer belonging to the Sessions of the Peace. His Duty is, in the Sessions, to read the Indictments, to enrol the Asss, and draw the Process: To record the Proclamation of Rates for Servants Wages, to enrol the Discharge of Apprentices, to keep the Counterpart of the Indenture of Armour, to keep the Register-Book of Licences, given to Badgers and Laders of Corn, and of those that are licenced to shoot in Guns, and to certify into the King's Bench, Transcripts of Indictments, Outlawries, Attainders, and Convictions had before the Justices of the Peace, within the Time limited by Statute. *Lambard's Eiren. lib. 4. cap. 3. fol. 379.*

Clerk of the Pell (*Clericus Pellis*) is a Clerk belonging to the Exchequer, whose Office is to enter every Teller's Bill into a Parchment-Roll, (called *Pellis Receptorum*) and also to make another Roll of Payments, which is called *Pellis Exituum*, wherein he sets down by what Warrant the Money was paid: Mentioned in the Statute 22 & 23 Car. 2. for *Subsidy*. This Officer is called in ancient Records *Clericus Domini The-saurarii.*

Clerk of the Pettibag (*Clericus Parva bagæ*) is an Officer of the Chancery, of which Sort there are three, and the Master of the Rolls their Chief. Their Office is to record the Return of all Inquisitions out of every Shire; to make all Patents of Customers, Gaugers, Controllers, and Aulnegers; all *Conge d'Esquires* for Bishops; all *Liberate's* upon Extents of Statute-Staples; the Recovery of Recognizances forfeited; and all *Elegits* upon them; the Summons of the Nobility, Clergy, and Burgeses to the Parliament; Commissions directed to the Knights, and others of every Shire, for assessing Subsidies; Writs for the Nomination of Collectors for Taxes; and all Traverses upon any Office, Bill, or otherwise; to receive the Fees for Homages due to the Lord Great Chamberlain, of the Nobility, Bishops, &c. This Officer is mentioned 33 Hen. 8. cap. 22.

Clerk of the Pipe (*Clericus Pipæ*) is an Officer in the Exchequer, who, having all Accompts and Debts due to the King, delivered and drawn out of the Remembrancers Offices, charges them down into the great Roll; and is called *Clerk of the Pipe*, from the Shape of that Roll, which is put together like a Pipe; formerly he was called, *Ingrossator magni Rotuli, Contrarotulator Pipæ, duplex ingrossator*, and now *Clerk of the Pipe*; he also writes Summons to the Sheriff, to levy the said Debts upon the Goods and Chattels of the Debtors; and

if



if they have no Goods, then he draws them down to the Lord Treasurer's Remembrancer, to write Estreats against their Lands. The ancient Revenue of the Crown remains in charge before him, and he sees the same answered by the Farmers and Sheriffs. He makes a Charge to all Sheriffs of their Summons of the Pipe and Green Wax, and sees it answered upon their Accompts. He hath the drawing and ingrossing all Leases of the King's Land. In Henry the Sixth's Time, he was called *Ingrossator Magni Rotuli*.

**Clerk of the Pleas** (*Clericus Placitorum*) is an Officer in the Exchequer, in whose Office all the Officers of the Court (upon especial Privilege belonging unto them,) ought to sue, or to be sued upon any Action, &c. See the *Practise of the Exchequer*, p. 86. and 4 *Inst.* f. 107.

**Clerk of the Privy Seal** (*Clericus Privati Sigilli*) There are four of these Officers that attend the Lord Privy Seal, or (if none such) the Principal Secretary, writing and making out all Things that are sent by Warrant from the Signer to the Privy Seal, and are to be passed to the Great Seal; as also to make out (as they are termed) *Privy Seals* upon any special Occasion of his Majesty's Affairs; as for Loan of Money, and such like. Of this Officer and his Function, you may read the Statute 27 H. 8. c. 11. He that now is call'd the Lord Privy Seal, seems in ancient Time to have been called *Clerk of the Privy Seal*, and to have been reckon'd, notwithstanding, in the Number of the great Officers of the Realm. Read the Statute 12 R. 2. c. 11.

**Clerk of the Rules**, mention'd 22 & 23 Car. 2. is an Officer in the Court of King's Bench.

**Clerk of the Sewers** (*Clericus Suerarum*) is an Officer appertaining to the Commissioners of Sewers, writing all Things that they do by Virtue of the Commission, for which see *Sewers*: And see the Statute of 13 Eliz. cap. 9.

**Clerk of the Signet** (*Clericus Signeti*) is an Officer attendant continually on his Majesty's principal Secretary, who always hath the Custody of the Privy Signet, as well for sealing his Majesty's private Letters, as also such Grants as pass his Majesty's Hand by Bill signed. Of these there are four that attend in their Course, and have their Diet at the Secretary's Table. More largely you may read of their Office in the Statute made Anno 27 H. 8. ca. 11.

**Clerk of the Supplication** is an Officer belonging to the Court of Common Pleas, who makes out the Writ of *Supersedeas*, (upon the Defendant's appearing to the *Exigent*.) whereby the Sheriff is forbidden to return the *Exigent*.

**Clerk of the Treasury** (*Clericus Thesaurarii*) is an Officer belonging to the Common Pleas, who hath the Charge of keeping the Records of the Court, and makes out all the Records of *Nisi Prius*, hath the Fees due for all Searches, and hath the certifying all Records into the King's Bench, when a Writ of Error is brought: Also he makes all Exemplifications of Records being in the Treasury. He is taken to be the Servant of the Chief Justice, and removeable at his Pleasure, whereas all other Officers are for Term of Life. There is also a Secondary or Under-Clerk of the Treasury for Assistant, who hath some Allowances. And likewise an Under-Keeper, who always keeps one Key of the Treasury-Door, and the chief Clerk of the Secondary another; so as the one cannot come in without the other.

**Clerk of the Warrants** (*Clericus Warrantorum*) is an Officer belonging to the Court of Common Pleas, who entreats all Warrants of Attorney for Plaintiff and Defendant, and inrols all Deeds of Indentures of Bargain and Sale, which are acknowledged in the Court, or before any Judges out of the Court. And he estreats into the Exchequer all Issues, Fines, and Amerciements, which any way grow due to the King in that Court, and hath a standing Fee of ten Pounds of the King, for making the same Estreats. See *Fitz. Nat. Br.* f. 76.

**Cleronimus**, i. e. An Heir: In the *Morasticon*, 3 Tom. pag. 129. we read, That K. Edgar gave another a certain Portion of Land for Life, with Liberty, that *Post vita sue terminum quibuscunq;* *Cleronimis impune derelinquat.*

**Cliftæ**, (Fr. *Clays*) Hurdles to fold or keep Sheep in. *Tenentes de Hampton debent quavere sex summas virgarum apud Boscum de Haya juxta Hereford electas nundinarum faciendas.* Lib. Niger. Heref. fol. 61.

**Clitbum**, Gloucester.

**Clitones**, Not only the Eldest, but all the Sons of Kings; we meet with it often in old Authors, viz. In the Charter of King Æthelred, in *Matt. Paris.* p. 158. *Ethelstanus Ecbrith, &c. cum clitonibus Epitheto subscribunt*: So in Mr. Selden's Notes upon Eadmerus, *Ego Edgar, &c. Ego Edmund Clito Legitimus prefati Regis, &c.*

**Cliffe**, Clif, The Names of Places beginning or ending with *Clive* or *Cliff*, signify a Rock, from the Sax. *Clif, Rupes.*

**Clod-Salt**, At Droitwich, Nantwich, &c. in their boiling or walling of Salt, once in twenty-four Hours, they take out a Cake, which sticks to the Bottom of a Pan. This they call *Clod-Salt*; which if not taken timely out, would cause the Salt to melt. This *Clod-Salt* is the strongest of all, and is therefore commonly used to salt Bacon or Neat-Tongues; and the Women of those Parts put it into their Runnet-Pots, as the best Preservative of good Cheese.

**Clorre**, A Prisoner, or Dungeon; I believe of some British Original, which might give Name to the old Latin *Cloeria*, which Du Fresnoie unaptly conjectures to have been a Corruption of *Clauseria*, a close Place of Restraint. The Dungeon, or inner Prison in Wallingford-Castle, temp. H. II. was called *Cloere-Brien*, i. e. *Carcere Brieni, Fil. Com. Domini de Wallingford.* Hence seems to come the Lat. *Cloaca*, which was originally the closest Ward, the nastiest Part of a Prison. The old *Cloacarius* is interpreted in a MS. Glossary, *Carceris Custos*. The present *Cloacarius*, or Keeper of a Jakes, is an Office in some Religious Houses, imposed on an offending Brother, or voluntarily chosen by him as an Exercise of Humility and Mortification; and in some of our English Convents beyond the Seas, this sweet Officer is call'd *Count of Holt*.

**Clotch**, Is an unlawful Game, forbidden by the Statute, made in the 17th Year of E. 4. cap. 3. and is inhibited also by the Statute of 33 H. 8. c. 9. But there it is more properly called *Clash*; for it is the throwing of a Bowl at nine Pins of Wood, or nine Shank-Bones of an Ox or Horse; and it is now ordinarily called *Kailes*, or *Nine-Pins.* *Termes de la Ley.*

**Clotch of Rap.** Anno 27 E. 3. Stat. 1. c. 4.

**Clowe**, Is the two and thirtieth Part of a Weigh of Cheese, that is, eight Pounds. 9 H. 6. cap. 8.

**Clowes**,

**Cloves**, *Caryophylli*, are a Spice known by Sight to every Man; they are Flowers of a Tree gathered and hardned by the Sun: Of their Nature, you may read in *Gerard's Herbal*, lib. 3. cap. 144. This is comprised among such Spices as are to be garbled. 1 *Fac.* 19.

**Clough**, A Valey, *Domesday-Book*.

**Cloveshoe**. See *Abingdon*.

**Clown**. See *Colonus*.

**Clunch**, *Blew Clunch*. At *Wednesbury* in *Staffordshire*, upon sinking a Coal-pit, near the Surface, they met first with Earth and Stone, then with a Substance called *Blew Clunch*, and thirdly with Coal.

**Cluta**, Fr. *Clous*, Shoes, Clouted-shoes: Most commonly Horse-shoes, and the Streakes of Iron with which Cart-wheels are shod. — In uno pari rotarum computo ii. sol. ii. denar. in eodem ferro ligando v. sol. iv. denar. in axibus emptis iv. den. in clutis, & clavis ad idem emptis, iv. den. ob. — *Confuetud. domus de Farendon*. MS. f. 16. Hence *Clutarium*.

**Clutarium**, *Cluvarium*, a Forge, or Smithy, or Smith's Shop, where the *Clous*, or Iron-shoes are made, or applied. *Tenuit duas carucatas terra de Domino Rege, in capite per tale servitium deferendo palefridum Domini Regis super quatuor pedes de cluvario Domini Regis quotiescunque ad manerium suum de Maunsfield venerit, & si inclaudet (if he lame) palefridum Domini Regis dabit ei palefridum quatuor marcarum.* Mon. Angl. Tom. 2. p. 598.

**Clypeus**, One of a noble Family, *Clypei prostrati*: A noble Family extinct: Sic nobilis clypeus ille *Marescallorum* tot & tantis hostibus Anglie formidabilis evanuit. *Matt. Paris*. 463. And *Matt. Westm.* speaking of the Family of *Pembroke* being extinct.

**Cnipulus**, *Knipulus*, *Knipus*, *Knivus*, A Knife. — *Thomas Matyr tam Cancellarium suum quam Notarios cunctos Sacramento constrinxit, quod valens Cnipulum Anglicum propter Literas a Nemine reciperent.* *Giral. Cambrens.* apud *Wartoni Angl.* *Sacr. P.* p. 625.

**Coca**, *Coquia*, A Cogge or Boat. Vid. *Coggie*.

**Cocceum**, *Ribchester* in *Lancashire*.

**Cocherings**, An Exaction or Tribute in *Ireland*; now reduced to chief Rents. See *Bonaght*.

**Cocket** or **Coket**, (*Cockettum*), is a Seal belonging to the King's Custom-House. *Reg. of Writs*, fol. 192. a. Also a Scroll of Parchment sealed and delivered by the Officers of the Custom-house to Merchants, as a Warrant that their Merchandizes are customed. *An. 11 H. 6. cap. 16.* Which Parchment is otherwise called *Litera de Cocketto*, or *Litera testimoniales de Cocketto*. *Reg. f. 179. a.* So is the Word used. *An. 5 & 6 E. 6. c. 14.* And *14 E. 3. Stat. 1. c. 21.* None shall make Wools to be Cocketted, but in the Name of him to whom the Wools be. *Anno 13 R. 2. c. 9.* *Inquisitio & Placitum contra quosdam qui lanas non Cockettatas custumatas extra regnum duxerunt.* *Inter Recorda de Reg. Scacc. Mich. 25 E. 3.* Et *Ballivi sui capiant ad Caput pontis de Berewyk omnes homines venientes cum lanis, coreis vel pellibus vendendis sine ligno quod vocatur Coket.* *Pla. Parl. 21 Ed. 1.*

**Cocket** is used for a Sort of Measure, as we may see in *Fleta*. Lib. 2. cap. 9. *Panis vero integer quadrantalibus frumenti ponderabit unum Coket & dimidium*: It is also used for a Distinction of Bread in the Statute of Bread and Ale, made 51 Hen. 3.

The Words are, When a Quarter of Wheat is sold for xii d. the Wastel-Bread of a Farthing shall weigh vi l. and xvi s. but Bread-Cocket of a Farthing, of the same Corn and Buliel, shall weigh more than Wastel by iis. And Cocket-Bread made of Corn of lower Price, shall weigh more than Wastel by vs. Bread made into a Simnel, shall weigh iis. less than Wastel: Bread made of the whole Wheat, shall weigh a Cocket and a half; so that a Cocket shall weigh more than a Wastel by vs. Bread of Treet shall weigh two Wastels; and Bread of common Wheat shall weigh two great Cockets. When a Quarter of Wheat is sold for xviii d. then Wastel-Bread of a Farthing, white and well baked, shall weigh iv l. xs. When for iis. iiii l. viiis. &c. By which we may perceive that Wastel-Bread was the finest, Cocket-Bread next, then Bread of Treet, and lastly, Bread of Common Wheat; as we now call the finest Bread, Wheaten, or French Bread, the second Sort white Bread, the third Brown, or Household Bread, &c. In Oxford anciently they had a coarse Bread called *Tuteftyn*, hoc est, *Panem fursuraceum vel atrum.* *Hist. Oxon. f. 158. b.*

**Cocket-bread**, **Cocket**. — *Quando quarterium frumenti venditur pro xii. denariis, tunc panes quadrantes de wastello ponderabunt vi. libras, & xvi. sol. Panis autem de coket, de eodem blado & eodem bulstello ponderabit plus wastello ii. sol. & de blado minoris pretii ponderabit plus wastello v. sol. Panis de Symenel ponderabit minus wastello ii. sol. Panis integer de frumento de quadrante ponderabit coket & dimidium Panis de Trety ponderabit ii. wastellos, & panis de omni blado ponderabit ii. cokettes.* *Confuetud. domus de Farendon*, MS. f. 42. I believe Cocket-bread or Cocket, was only hard Sea-bisket; either so call'd, because cocketted or mark'd with a peculiar Stamp or Cocket: Or also because made for the Use of the Cock-swains or Scamen. This is but my conjecture: For no Author has yet hit upon the Sense of the Word, or Derivation of it.

**Cockettum**, **Cockett**, **Cocketum**. The Custom-House or Office, where Goods to be transported, were first entred, and paid their Custom, and had a Cocket or Certificate of Discharge. — *Rolandus Trentacost ad custodiam cocketti, ad novum Castrum super Tynam per societatem Lucanicam deputatur, postquam lana & pelles per preceptum Regis fuerunt arrestatae, & transpretatio earum inhibita.* *Mem. in Scaccar. 23 Ed. 1. by Sir John Maynard.*

**Cockettata** **Lana**, Wool duly entred and cocketted, or authorized to be transported. — *Mandatum quod lana non cockettata, vel non custumata sub forisfactura capiantur.* *Fin. 16 E. 3. m. 37.*

**Cocklets**, i. e. The meanest Sort of Men, corruptly for *Cotsetts*, that is, Cottagers: *Villani vero vel Cocleti, vel perdingi, vel qui sunt viles vel inopes persona, non sunt inter legum iudices numerandi.* *Leges H. 1. c. 29.*

**Cocodones** was a Sort of French Money, very bad: *Prohibita est moneta alienigenarum surreptitia & illegitima quam polardos, Cocodones & Rosarios appellabant, qui paulatim & latenter loco irrepsissent Sterlingorum.* *Walsingham* in *Ed. 1.* 1300. See *Pollards*.

**Cocetus**. A Cock-swain, Coxon, Boat-man, or Seaman. Vid. *Coggie*.

**Cocula**, **Coculum**, A Coguc, or little Drinking-cup, in Form of a small Boat, used especially at Sea; and still retained in a Coguc of Brandy.

**Codicil**,

**Codicil**, (*Codicillus*.) A Schedule or Supplement to a Will, for some other Writing: Some Writers, conferring a Testament and a Codicil together, call a Testament a great Will, and a Codicil a little one; and compare a Testament to a Ship, and the Codicil to the Boat tied to it.

**Codicil** is used as an Addition annexed to a Testament, when any Thing is omitted, which the Testator would add, explain, alter or retract; and is the same with a Testament, but that it is without an Executor. See *Swinb. p. 1. sect. 1.* and *Touchstone of Wills, pag. 21, 22.*

**Coffee**, Mentioned 15 *Car. 2. cap. 11.* A Kind of Drink, originally used among the *Turks* and *Persians*, and from them brought to us: It is thick, blackish and bitter, made from Berries of that Nature and Name, and now agreeably in Use as a wholesome Liquor.

**Coffe**, Cottages. See *Domesday-Book*, thus interpreted by Mr. *Agar*.

**Cofferer of the King's Household**, Is a principal Officer of his Majesty's Court, next under the Controller, that in the Counting-House, and elsewhere at other Times hath a special Charge and Oversight of other Officers of the House, for their good Demeanor, and Carriage in their Offices, to all which he pays their Wages. He is made mention of 39 *El. cap. 7.*

**Cofra**, A Coffer, Chest, or Trunk. — *Custos Collegii & domus elemosynaria de Pontefracto, & Ministri ejusdem non sunt dotati quacunque dote temporali seu spiritali, vivente fundatore ejusdem. Sed fuerunt Stipendiarii capientes certam summam pecunie de Cofris dicti Fundatoris. Munimenta Hospit. SS. Trin. de Pontefracto, MS. f. 50.*

**Coggie**. Upon some of the Sea-coasts in *Yorkshire*, a small Fishing-Boat is called a *Coggie*, i. e. a little *Cogge*; and in some Places by Corruption a *Cobble*. From the old *Teuton*, *Kogge*, a Ship: Whence the *Lat. Coggo, Cogga, &c. Anno 1066. Venit ad hoc in Angliam (Rex Noricorum) trecentis Coggonibus advehtus.* About *Scarborough* they have still a Sort of small Vessels, which they call *Cogges*, the little *Cogs*.  
**Cogware**, Seems to be a Sort of course Clothes made in the North of *England*, mentioned in the *Stat. 13 R. 2. cap. 10.* where there is Mention also of *Cogmen*, that is, Buyers of, Makers or Dealers in such *Cogware*.  
**Cohua** is a promiscuous Multitude of Men in a Market or Fair, and *Cohuagium* is a Tribute paid by those who meet there: *Quieti ab omni Theloneo, passagio, Pontagio, Cohuagio, pallagio, &c. Du Cange.*  
**Coif**, (*Coisa*, *Fr. Coiffe*.) Our Serjeants at Law are otherwise called *Serjeants of the Coif*; from the *Lawn Coif* they wear on their Heads, under their Cap, when they are created, and always after. See *Serjeant*, and *Matt. Paris in an. 1259.* and *Fortescue de LL. Anglia, cap. 50.*  
The Use of it was to cover *tonsuram Clericalem*; otherwise called *Corona Clericalis*, because the Crown of the Head was close shaved, and a Border of Hair left round the lower Part, which made it to look like a Crown. See *Tena*.  
**Coin**, *Cuneus*, vel *cuna*, Seems to come from the French *Coigne*, *Argulus*, a Corner; which probably verifieth the Opinion of such as hold the ancientest Sort of Coin to be cornered, and not round; of this Lawyers Substantive *Cuna*, comes their Verb *Cunare*, to Coin. *Crompt. Just. of Peace, fol. 220.*  
**Coinage**, (*Cunagium*) Besides the general Signification, relating to Money, it is by a Law provided, That all the Tin in *Cornwall*, after it is cast and wrought, shall be weighed and marked by the King's Officer, with a Lion Rampant, which is called *Coinage*. *Briton, f. 186.* and *anno 11 H. 7. cap. 4.* Some Authors write it *Cunage*.

**Coggleshall** in *Essex*. See *Ansa*.

**Cognitione**. See *Cognitione*.

**Cognisor** or **Conusor**, Is he that passeth or acknowledgeth a Fine of Lands or Tenements to another. *Cognisee* or *Conisee*, is he to whom the Fine is acknowledged. *West. Symb. part. 2. Tit. Fines. sect. 2. 32 H. 8. 5.*

**Cognisance**, *Id est, Intelligentia, Cognitionis*, with us is used diversly; sometimes signifying a Badge on a Waterman or Serving-man's Sleeve, which is commonly the Giver's, whereby he is discerned to belong to this or that Master. Sometimes an Acknowledgment of a Fine, or Confession of a Thing done, as *Cognoscens latro. Brañ. lib. 3. tract. 2. cap. 3. 20. 32. Cognoscere se ad Villanum. Id. lib. 4. tract. 3. cap. 16.* As also to make *Cognisance* of taking a Distress: Sometimes as an Audience or Hearing of a Matter judicially, as to take *Cognisance*. Sometimes a Power or Jurisdiction, as *Cognisance* of Pleas is an Ability to call a Cause or Plea out of another Court, which no Man can do but the King, except he can shew Charters for it: For such *Cognisance* lies not in Prescription. *Manwood, cap. 3. num. 2.* See the Terms of the Law, and New Book of Entries, verb. *Conu-*

**Cognitiones**, Ensigns, Arms, or rather a military Coat painted with Arms: *Cum viderunt hostes Christi armis, vexillis & cognitionibus picturatis, &c. Mat. Paris. 1250.*

**Cognitionibus mittendis**, Is a Writ to a Justice, or other that hath Power to take a Fine, who having taken Acknowledgment thereof, deferreth to certify it into the Court of Common Pleas, commanding him to certify it. *Reg. Orig. 68. b.*

**Cogs**, (*Cogones*) seems to be a Kind of Vessel or Boat, upon the River *Ouse* and *Humber*, mentioned in the *Stat. 23 H. 8. c. 18.* Also a small Ship; for I find in *Matth. Westm. An. Dom. 1066.* — *Venit ad hoc in Angliam (Rex Noricorum) trecentis Coggonibus advehtus.* About *Scarborough* they have still a Sort of small Vessels, which they call *Cogges*, the little *Cogs*.

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**Cointeses** are Garments made of Silk or fine Linen: *Mille enim militis & amplius, vestiti serico ut vulgariter loquamur Cointeses, in nuptiis ex parte Regis apparuerunt.* Matt. Paris. 1252.

**Coket.** See Cocket.

**Cokettatio.** The Cocketting or taking Account of Goods to be transported, in order to receive the due Custom, and give the Ticket of Discharge.

— *Ordinatio de cokettatione lanarum facta.* Claus. 33 Ed. 3. m. 37.

**Colbooke.** See Pontes.

**Colchester.** See Colonia.

**Coliander-seed,** or rather *Coriander-seed*, *Semen Coriandri*, Is the Seed of an Herb so called, medicinal and wholesome for divers good Purposes; which see in Gerard's Herbal, lib. 2. ca. 379. It is numbered among the Drugs that are to be garbled. *An. 1 Fac. c. 19.*

**Colibertus, Colibertus, Con-libertus.** These *Coliberts* in Civil Law were only those Freemen, who at the same Time had been manumised by their Lord or Patron. But the Condition of a *Colibert* in English Tenure, was (as Sir Edward Coke asserts) the same with a *Soke-man*, or one who held in free Soccage; but yet was obliged to do customary Services for the Lord. The Word occurs in *Domesday*; though I think no Glossographer has cited it from thence. — *Lib Domesday.* Somerset.

— *Episcopus Winton tenet Fantone, ibi quater xx. villani, & quater xxii. bordarii, & lxx. servi, & xvi. Coliberti, & xviii. Porcarii.*

So again, *Glow estrefcire*: — *Brictic, filius Algari tenebat Turnebiri T. R. E. ibi xxiii. Bordarii, & xv. Servi, & iv. Coliberti, ibi ii. molendini, &c.* — They were certainly a middle Sort of Tenants, between servile and free, or such as held their Freedom of Tenure under Condition of such Works and Services; and were therefore the same Land-holders, whom we meet under the Name of *Conditionales*.

*Libertate carens Colibertus dicitur esse.* Du Fresne.

It seems also to be the same with *Colonus*, which see.

**Collateral, Collateralis,** Cometh of the Lat. *Laterale*, that which hangeth by the Side: And in the legal Sense it differs not from the same Acceptation; for *Collateral Assurance*, is that which is made over and beside the Deed it self. For Example, If a Man covenants with another, and enters into Bond for the Performance of his Covenant, the Bond is termed *Collateral Assurance*; because it is external, and without the Nature and Essence of the Covenant. And *Crompt. Jur.* fol. 185. saith, That to be subject to the Feeding of the King's Deer, is *Collateral* to the Soil within the Forest. In like Manner we say, That the Liberty to pitch Booths, or Standings for a Fair in another Man's Ground, is *Collateral* to the Ground. The private Woods of a common Person within a Forest, may not be cut without the King's Licence; for it is a Prerogative *Collateral* to the Soil. *Manwood's Forest Laws, c. 8. num. 2.*

**Collateral Warranty.** See Warranty.

**Collation of Benefice, Collatio Beneficii,** Signifies properly the Bestowing of a *Benefice* by the Bishop that hath it in his own Gift or Patronage, and differeth from Institution in this, that Institution into a *Benefice*, is performed by the Bishop, at the Motion or Presentation of another who is Patron of the same, or hath the Patron's Right for the Time; yet is *Collation* used for Presentation. 25 E. 3. Stat. 6. And there is a Writ in the Register, 31. b. called *De Collatione facta uni post*

*mortem alterius, &c.* directed to the Justices of the Common Pleas, commanding them to direct their Writ to the Bishop, for the admitting a Clerk in the Place of another, presented by the King, who died during the Suit between the King and the Bishop's Clerk; for Judgment once passed for the King's Clerk, and he dying before he be admitted, the King may give his Presentation to another.

**Collation of Seals.** This was, when upon the same appending Ribbon, or Thread, or Label, one Seal was set on the Back, or reverse of the other. — *Ad majorem securitatem premissorum Sigillum discreti viri Officialis Domini Batho-Well. Episcopi filo medio per modum Collationis, Sigillo meo apponi procuravi.* Cartular. Abbat. Glaston. MS. fol. 105. b.

**Collatione facta uni post mortem alterius,** Is a Writ directed to the Justices of the Common Pleas, commanding them to direct their Writ to a Bishop, for the admitting a Clerk in the Place of another presented by the King, who, during the Suit between the King and the Bishop's Clerk is departed this Life. For Judgment once past for the King's Clerk, and he dying before Admittance, the King may bestow his Presentation to another. *Reg. of Writs, f. 31. b.*

**Collatione Heremitage,** Is a Writ whereby the King conferreth the Keeping of an *Hermitage* upon a Clerk. *Reg. Orig. fol. 303, 308.*

**Collegiat Church,** A Church built and endowed for a Society, or Body Corporate of a Dean, or other President and secular Priests, as Canons or Prebendaries in the said Church. There were many of these Societies distinguished from the Religious, or Regulars before the Reformation. And some are now established, as *Westminster, Windsor, Rippon, Wolverhampton, Southwell, Manchester, &c.*

**Collesford.** See Cilurum.

**Collusion, Collusio,** Is in our Common Law, a deceitful Agreement, or Compact between two or more, for the one Party to bring an Action against the other to some evil Purpose, as to defraud a third of his Right, &c. See the *Terms of the Law*, fol. 142. and Bro. Tit. *Collusion*. See also the Case of *Collusion*, *Reg. Orig. f. 179. a. West. 2. ca. 32.* and 8 H. 6. ca. 26. which gives the *Quale Jus*, and Inquiry in such Cases: Gifts made by *Collusion*. See 50 E. 3. c. 6.

**Colonia, Colchester in Essex.**

**Colonus,** An Husbandman or Villager, who was bound to pay yearly a certain Tribute; or at certain Times in the Year to plough some Part of the Lord's Land, and from hence comes the Word *Clown*: He was called by the Saxons *Gebure*, and by the Dutch *Bowre*.

**Colour, Color,** Signifies in a legal Acceptation a probable Plea, but in Truth false, and hath this End, to draw the Trial of the Cause from the Jury to the Judges. As for Example, *A.* brings an Assise of Land against *B.* and *B.* saith, He himself did let the same Land to one *C.* for Term of Life, and afterwards did grant the Reversion to *A.* the Demandant; and afterwards *C.* the Tenant for Term of Life died, after whose Decease *A.* the Demandant claiming the Reversion by Force of the Grant (whereto *C.* the Tenant did never attorn) entred, upon whom *B.* entred, against whom *A.* for that Entry brings this Assise, &c. This is a good *Colour*, because the common People think the Land will pass by the Grant without



without Attornment, where indeed it will not pass, &c. Also in an Action of Trespafs, Colour must be given, of which there are an infinite Number; take this one for a Pattern of the Rest. In an Action of Trespafs, for taking away the Plaintiff's Beasts, the Defendant saith, That before the Plaintiff had any Thing in them, he himself was possessed of them as of his proper Goods, and delivered them to A. to deliver to him again, when, &c. and A. gave them to the Plaintiff, and the Plaintiff supposing the Property to be in A. at the Time of the Gift, took them, and the Defendant took them from the Plaintiff, whereupon the Plaintiff brings an Action; that is a good Colour and a good Plea. See more hereof *Dottor and Student. lib. 2. cap. 13. and Broke, Tit. Color, in Assise, Trespafs, &c. fol. 104.*

**Colour of Office, Color Officii,** Is always taken in the worst Part, and signifies an Act civilly done by the Countenance of an Office, and it bears a dissembling Face of the Right of an Office, whereas the Office is but a Vail to the Falshood; and the Thing is grounded upon Vice, and the Office is as a Shadow to it, it is but *Colore Officii*; when as *Virtute Officii*, by Virtute of the Office, is taken always in the best Part; and where the Office is the just Cause of the Thing, and the Thing is pursuing the Office. *Plowd. in Dive and Manningham's Case, f. 64. a.*

**Colpare Arboris,** To lop, or top Trees. — *Poterant etiam colpare, & habere ramilliam, (i. e. to lop, and to have the Lop, or Boughs cut off) & omnia genera arborum quæ in eodem marisco fuerant. Contin. Hist. Croyland. p. 473.*

**Colpatura, Colpatura, Colpatio, Lopping, or Topping of Trees;** a Trespafs with the Forest. — *Qui autem forisfecerit in Foresta Regis de viridi sive per colpaturam, sive per esbrumataram, sive per foditionem turvarum, sive per esboriationem more, sive per culpationem sub nemore, &c. Assise de forestis temp. Rich. 1. Rog. Hoved. p. 784.*

**Colpicum.** — *Hec charta chirographata testatur quod Dominus Willielmus de Herle dedit — R. Peni seroienti suo capitale messuagium de B. cum una carucata terra, & pastura ad octo boves infra boscum de W. sakis colpiciis infra boscum prædictum factis & in posterum faciendis, donec ad perfectionem pervenerint, quod se contra omnimoda animalia defendere possint.* — I suppose by Colpicis is meant Samplers, or young Poles, which being cut down, make Leavers or Lifiers, in *Warwickshire* called *Colpices* to this Day.

**Colpo,** A Cruet, or rather a small Wax-Candle, a *Copo de Cere*; *Hoveden* tells us, that when the King of Scots came to the English Court, as long as he staid there, he had every Day, *De Liberatione triginta sol. & duodecim Vassellos Dominicos, & quadraginta grossos longos Colpones de dominica Candela Regis, & octoginta Colpones de alia Candela. An. 1194.*

**Coltrope, Coltraps,** an Instrument of three Iron Spikes, so contrived that when thrown out of Hand, one of the Spikes is always erect, invented to cast in the Road, for galling the Enemies Horse. They were used by the Romans, and called *Murices*.

**Comatio, i. e. Cutting of the Hair:** *Si quis Dominum suum occidat, si capiatur, nullo modo se redimat; sed de ejus Comatione, &c. damnatur. Leg. H. 1.*

**Combarones,** The Fellow-Barons, or Commonalty of the Cinque-Ports: King Henry III.

grants to the Barons, or Freemen of the Port of *Feverham*, — *quietantiam de omni Theolonio, & consuetudine — sicut ipsi & Antecessores sui, & Combarones sui de Cinque Portibus eam melius & plenius habuerunt tempore Regis Edwardi. — Placit. tempore Ed. 1. & Ed. 2. MS. penes Dom. Fountains.* Now the Title of Barons of the Cinque-Ports is restrained from the common Inhabitants, to distinguish their Representatives in Parliament; the Word *Combaron* is now likewise used for a Fellow-Member, the *Baron* and his *Combaron*.

**Combat, Duellum,** Is a French Word signifying the same with *certamen, prælum, pugna*, and in our ancient Law was a formal Trial of a doubtful Cause or Quarrel, by the Swords or Basons of two Champions: Of this you may read at large both in divers Civilians, as *Paris de Puteo de re Militari & Duello, Alciat. de Duello, Hottoman disputatio Feudalium, cap. 42. and others; and common Lawyers, namely Glanville, lib. 14. c. 1. Bract. lib. 3. Tract. 2. ca. 3. Britton, c. 22. Horne's Mirror of Justices, lib. 3. cap. Des Exceptions in fine prox. & cap. juramentum Duelli. Dyer, fol. 301. num. 41, 42. Cambden in his Brit. fol. 519. mentions a Combat between Alan de la Zouch, and John Earl of Warren, in the Year 1269. The last Trial by the Combat in England, was in the Sixth Year of King Charles the First, between Donald Lord Rey Appellant, and David Ramsey Esq; Defendant, both Scotchmen; but after many Formalities, the Matter was referred to the King's Will and Pleasure, whose Favour inclined to Ramsey. Baker's Chron. f. 500. See Co. on Littl. f. 294. b. Origines Juridicales, fol. 65. and Spelman's Gloss. at large, verbo Campus.*

**Comba terræ, and Cumbe terre,** does in some of our old Charters occur for a low Piece of Ground, from Sax. *Cumbe*, Brit. *Kum* or *Cuum*, Engl. *Comb*, a Valley, or low Place between two Hills; which is still so called in *Devonshire* and *Cornwall*. And many Villages in other Parts of England obtained their Name of *Comb* from their Situation. So *Compton, Combwell, &c.* See Mr. Kenner's Gloss. in voce *Combe*.

**Cumbe in Domesday** signifies a Valley, as Mr. Agar reports.

**Combustio Peruniz,** The old way of trying mixt and corrupt Money, by melting it down upon Payments into the *Exchequer*. In the Time of King Henry II. the Bishop of Salisbury being Treasurer, considered, that though the Money did answer *Numero & Pondere*, it might be deficient in Value, because mixed with Copper or Brass. Therefore (*consilio Regis, & Regia simul & publicæ providere utilitati*) a Constitution was made, called *The Trial by Combustion*. The Practice of which differed of little or nothing from the present Method of *Assaying Silver*. Vide *Lownde's Essay upon Coin, p. 7.* Whether this Examination of Money by *Combustion* was to reduce an Equation of Money only of *Sterling*, viz. a due Proportion of Alloy with Copper; or to reduce it to fine pure Silver without Alloy, doth not so easily appear. *Vid. Hale of Sheriff's Accounts, p. 23.*

**Comin-Hered, Semen Cumini,** Is a Seed brought forth by an Herb so called, which you may see describ'd in *Gerard's Herbal, lib. 2. c. 416.* This is placed among the garbleable Drugs. 1 Jac. 19.

**Comitatu Commissio**, Is a Writ, or *Commission*, whereby the Sheriff is authorized to take upon him the Command of the County. *Reg. Orig. fol. 295. Co. Rep. lib. 3. fol. 72.*

**Comitatu & Castro Commissio**, Is a Writ whereby the Charge of a County, together with the keeping of a Castle is committed to the Sheriff. *Reg. Orig. f. 295. a.*

**Comitatus**, a County. *Inglubus* tells us that England was first divided into Counties by King *Alfred*, and Counties into Hundreds, and those again into Tithings; and *Fortescue* writes that *Regnum Anglia per Comitatus ut regnum Francia per Balliatus distinguitur*. Sometimes 'tis taken for the County-Court, as in *Magna Charta*, cap. 35. and *Fleta*, lib. 2. ca. 52. *Nullus Comitatus teneatur nisi de mense in mensem*. Sometimes 'tis taken for a Territory or a Jurisdiction of a particular Place, as in *Mat. Paris. Anno 1234. Infra metas illas continentur quadam prædia & etiam Civitates & Castra, quas Comitatus suo assignare præsumunt*. So in *Charta H. 2. apud Hoveden: Castellum de Nottingham cum Comitatu, &c. De firmis mortuis & debitis de quibus non est spes, fiat unus Rotulus, & intituletur Comitatus, & legatur singulis annis super Computum Vicecomitum*. *Claus. 12 Ed. 1. M. 7. Dorfo.*

**Comitatus, &c. dead Farms, and Debts desperate**, whereof there is no hope, one Roll shall be made and intituled, *Comitatus*, and read every Year upon the account of Sheriffs. *10 E. 1. cap. unico.*

**Comitibus**, i. e. a Companion or Fellow Traveller. 'Tis mentioned in *Brompton* in *H. 2. viz. Filio suo mandavit ut sororem suam & Comitivam ejus reverenter susciperet*. Sometimes it signifies a Troop or Company of Robbers, as in *Walsingham*, Anno 1366. *Interpellaverunt auxilium Regis Anglia contra magnas Comitivas, &c.*

**Commandment, Præceptum**, Is used diversly in the Common Law: Sometimes for the *Commandment of the King*, when, upon his meer Motion, and from his own Mouth, he sendeth any Man to Prison. *Staundf. pl. cor. fol. 72. Commandment of the Justices*. And this *Commandment of the Justices* is either *Absolute* or *Ordinary*. *Absolute* as when upon their own Authority, in their Wisdom and Discretion, they commit a Man to Prison for a Punishment. *Ordinary*, is when they commit one rather for safe Custody than Punishment: And a Man committed upon an *Ordinary Commandment* is bailable. *Staundf. pl. cor. 73.* Again, *Commandment* is used for the Offence of him that willet another Man to transgress the Law, or to do any Thing contrary to the Law, as Theft, Murder, and such like. *Bract. lib. 3. tract. 2. cap. 19. Les Civilians appellent ce Commandment Angelus de maleficiis* Termes de la Ley, 145.

**Commandry, (Præceptorium)** was a Manor or chief Messuage, with Lands and Tenements appertaining thereto, belonging to the Priory of *St. John of Jerusalem* in England; and he who had the Government of any such Manor or House was called the *Commander*, who could not dispose of it but to the Use of the Priory, only taking thence his own Sustainance, according to his Degree, who was usually a Brother of the same Priory. *New Eagle*, in the County of *Lincoln*, was, and still is, called the *Commandry of Eagle*, and did anciently belong to the said Priory: So were *Slebach* in *Pembrokeshire*, and *Shengay* in *Cambridgeshire*, *Commandries* in the Time of the *Knights-Templers*, says *Camden*. — These in many Places of

England are termed *Temples*; as *Temple Bruere* in *Lincolnshire*, *Temple Newsum* in *Yorkshire*, &c. because they formerly belonged to the said *Templers*. Of these read *Anno 26 H. 8. c. 2.* and *32 ejusdem, c. 24.* See *Preceptories*.

**Commarchio**, the Confines of the Land. *Imprimis de nostris Landimeris, Commarchionibus. Du Cange.*

**Commeatura**, A *Commandry*, *Preceptory*, or Portion of House and Lands, for the Accommodation of some Religious, especially the *Knights-Templars*. — *Dominis Ordinis Dicitur Maria Virginis (quas vulgo Fratrum Teutonicorum vocant) certa bona temporalia ac redditus empti sunt — unde ex bonorum asse Præfectura ejus ordinis aliquot, (quas vulgo Balivas, ac a commeatu ordini parando commeaturas vocant) distincta sunt & terminata per classes.* — *Append. ad Fascic. Rerum. Vol. 2. p. 363.*

**Commendam, (Ecclesia commendata, vel custodia Ecclesia alicui commissa)** Is a *Benefice*, or Church-Living, that being void, is commended to the Care of some sufficient Clerk, to be supplied, till it may be conveniently provided of a Pastor: And that this was the true Original of this Practice, may be read at large in *Durandus de Sacri Ecclesie Ministeriis & Beneficiis, lib. 5. cap. 7.* He to whom the Church is commended hath the Fruits and Profits thereof only for a certain Time, and the Nature of the Church is not changed thereby, but is as a Thing deposited in the Hands of him to whom it is commended, who hath nothing but the Custody thereof, which may be revoked. When a Person is made a Bishop, there is a Cession of his Benefice by the Promotion; but if the King gives him Power to retain his Benefice, he shall continue Parson, and is said to hold it in *Commendam*. *Hob. Rep. fol. 144. Latches Rep. 237, 237.* See *Ecclesia commendata in Gloss. 10. script.*

**Commendatary (Commendatarius)** is he that hath a Church-Living in *Commendam*; which see.

**Commendatory Letters** are such which are writ by one Bishop to another, in behalf of any of his Clergy, or other of his Diocese, travelling thither, that they may be received among the Faithful, or that the Clerk made be promoted, or that Necessaries may be administered to both. Several Forms of these Letters may be seen in our Historians, as in *Bede. Lib. 2. ca. 18. Simeon of Durham, Anno 1125, &c.*

**Commendati Domini**, Persons who by voluntary Homage, put themselves under the Protection of any superior Lord. For ancient Homage was either *Predial*, due for some Tenure; or *Personal*, which was either by *Compulsion*, as a Sign of necessary Subjection; or *Voluntary*, with a Desire of Protection. And those who by doing voluntary Homage put themselves under the Protection of any Man of Power, were said *Commendare se in manus ejus*, and were therefore sometimes called *Homines ejus commendati*; and sometimes simply *Commendati*, as often in *Domesday-Book*. Tho' we have lost the Meaning of the Phrase, yet we use it in this Complement, *Commend me to such a Friend*, which is no less than, Let him know I am his humble Servant. Vide *Spelman of Feuds, cap. 20.*

**Commendati dimidii**, Persons who depended on two several Lords, and were to pay one half of their Homage to this, the other to that. *Subcommendati* were such, as like Under-Tenants, were under Command of those who were themselves depending on a superior Lord. And again, *Dimidi.*

*Commendatory Letters*

*Dimidii Subcommendati*, who bear a double Relation to such depending Lords. — *Lib. Domesday, Suffol.* — *In parva Thornham duo liberi Homines, unus eorum fuit Commendatus Ulreva & alter Dimidius Subcommendatus Antecessori Malet.*

*Commendatus.* *In eadem Villa tenet Ailoi Commendatus Antecessori (Mallet) 60 Acres pro Manerio.* Domesday, Suffolk. One that lives under the Protection of a great Man. *Differre videntur Vassallus, Affidatus, & Commendatus; Hic nempe Patrono teneri fide & obsequio, sine juramento aut aliqua tenura; Ille fide & juramento, sed itemque sine tenura; Vassalus autem his omnibus,* says Spelman.

*Commerciones, Commarciones*, those who live in the Confines or utmost Limits of a Place. *Si quis inter Commarciones regni nostri roberiam faciat.* Du Cange.

*Comminality, or rather Communalty, or Commonalty*; Signifies the middle Sort of the King's Subjects, 2 *Inst.* fol. 539. *Tout le Commune d'Angleterre*, are such of the Commons as raised beyond the ordinary Peasants, come to have the managing of Offices, and by that Means are one Degree under Burgeses, which are superior to them both in Order and Authority, as in Companies incorporated, they are said to consist of Master, Wardens and Commonalty; the first two being the Chief, the middle Sort such as are usually called *Of the Livery*. See *Communitas Regni*. Blount says that this Word *Commonalty* includes all the King's Subjects. As in *Articul. super Chart.* 28 Ed. 1. cap. 1. *Tout le Commune d'Angleterre* signifies all the People of England.

*Commissary, Commissarius*, is a Title of Ecclesiastical Jurisdiction, appertaining to such a one as exerciseth Spiritual Jurisdiction (at the least so far as his Commission permitteth) in Places of the Diocese so far distant from the chief City, as the Chancellor cannot call the Subjects to the Bishop's principal Consistory, without their too great Molestation. This *Commissary* is by the Canonists termed *Commissarius, or Officialis forane us.* Lyndewode's *Provin. c. 1. de Accusat. &c.* And he is ordained to this especial End, That he supply the Bishop's Jurisdiction and Office, in the Out-Places of his Diocese, or else in such Parishes as be peculiar to the Bishop and exempted from the Jurisdiction of the Archdeacon; for where either by Prescription or Composition, there be Archdeacons that have Jurisdiction within their Archdeaconries, as in most Places they there have, this *Commissary* is superfluous, and most commonly doth rather vex and disturb the Country for his Lucre, than of Conscience seek to redress the Lives of Offenders. And therefore the Bishop taking Protestation-money of his Archdeacons yearly *pro exteriori Jurisdictione*, as it is ordinarily called, doth by superonerating their Circuit with a *Commissary*, not only wrong the Archdeacons, but the poorer Sort of Subjects much more, as common Practice too frequent teacheth.

*Commission. Commissio*, Is for the most Part in the Understanding of the Law, as much as *Delegatio* with the Civilians. (See *Broke, Tit. Commission*) and is taken for the Warrant, or Letters Patent, that all Men exercising Jurisdiction either ordinary or extraordinary, have for their Power to hear, or determine any Cause or Action. Of these, see divers in the Table of the Register Original, verbo *Commissio*; yet this Word sometimes is extended further than to Matters of

Judgment; as the *Commission of Purveyors*, 11 H. 4. cap. 28. But with the Epithet (*High*) is used for the Honourable *Commission-Court*, instituted and founded upon the Statute 1 *Elz.* cap. 1. but for divers Reasons utterly abolished and taken away by the Statute made 16, 17 Car. 1. cap. 10 and that again explained by another Act, 13 Car. 2. cap. 2.

*Commission of Association*, Mentioned 18 *El.* cap. 9. Is a *Commission* under the Great Seal, to associate two or more learned Persons, with the several Justices in the several Circuits and Counties in *Wales*.

*Commission of Anticipation*, Was a *Commission* under the Great Seal, to collect a Subsidy before the Day; Anno 5 H. 8. Co. 12. Rep. fol. 120.

*Commission of Rebellion, Commissio Rebellionis*, Is otherwise called *A Writ of Rebellion, Breve Rebellionis*, and issues when a Man (after Proclamation issued out of the Chancery or Exchequer, and made by the Sheriff, to present himself under Pain of his Allegiance to the Court by a certain Day) appears not. And this *Commission* is directed by the way of Command to certain Persons, to the End, that they, three, two, or one of them do apprehend, or cause to be apprehended the Party as a Rebel and Contemner of the King's Laws, wheresoever they find him within the Kingdom, and bring him, or cause him to be brought to the Court, upon a Day therein assigned. The true Copy of this *Commission* or *Writ*, you have in *Crompt. Jurisd. Court de Star-Chamber*, as also in *West.* touching Proceedings in Chancery, sect. 24.

*Commissioner, Commissionarius*, Is he that hath *Commission*, as Letters Patent, or other lawful Warrant, to execute any publick Office, as *Commissioners* of the Office of *Fines*, and *Licences*; *West. Part. 2. Symbol Tit. Fines*, sect. 106. *Commissioners* in *Eyre*, Anno 3 E. 1. c. 26. *Commissioners of Sewers*, 23 H. 8. 5. 12 Car. 2. ca. 6. with infinite other such like.

*Committee*, Is he or they to whom the Consideration, or Ordering of any Matter is referred, either by some Court, or Consent of Parties to whom it belongeth. As in Parliament, a Bill being read, is either consented unto and passed, or denied; or neither of both, but referred to the Consideration of some discreet Men appointed by the House farther to examine it, who thereupon are called *Committees*: *Committee* of the King. *West. Par. 2. Symb. Tit. Chancery*, sect. 144. This Word seemeth to be something strangely used in *Kitchin*, fol. 160. where the Widow of the King's Tenant being dead, is called *The Committee of the King*; that is, one committed by the ancient Law of the Land to the King's Care and Protection.

*Commoigne, Fr.* a Fellow-Monk, that lives in the same Convent. 3 *Part. Inst.* f. 15.

*Common (Commune, i. e. Quod ad omnes pertinet)* signifies that Soil or Water whereof the Use is Common to this or that Town or Lordship; as *Common of Pasture*, (*Commune Pasturæ*). *Bracton*, lib. 4. cap. 19, & 40. *Common of Fishing*, (*Commune Piscariæ*). *Idem*, lib. 2. c. 34. *Common of Turbarry*, (*Commune Turbariæ, i. e. of digging Turves*). *Idem*, lib. 4. c. 41. *Common of Estover*, (*Commune Estoveriorum*). *Kitchin*, f. 94, &c. *Common* is divided into *Common in Gross*, *Common Appendant*, *Common Appurtenant*, and *Common pur Cause de Vicinage*.



*Common in Grofs* is a Liberty to have *Common* alone, that is, without any Land or Tenement, in another Man's Land, to himself for Life, or to him and his Heirs; and it is commonly passed by Deed of Grant or Specialty. *Old. Nat. Br. f. 31, & 37.*

*Common Appendant* and *Common Appurtenant* are in a Manner confounded, as appears by *Fitz. Nat. Br. fol. 180.* and are defined to be a Liberty of *Common* appertaining to, or depending on, such and such a Freehold; which *Common* must be taken with Beasts commonable, as Horses, Oxen, Kine, and Sheep, being accounted fittest for the Ploughman; and not of Goats, Geese, and Hogs. But some make this Difference, That *Common appurtenant* may be severed from the Land whereunto it appertains, but not *Common Appendant*; which (according to *Sir Edward Coke, lib. 4. f. 37.*) had this Beginning: — When a Lord enfeoffed another in arable Lands, to hold of him in *Socage*, the Feoffee, to maintain the Service of his Plough, had at first, by the Courtesy or Permission of his Lord, *Common* in his Wastes for necessary Beasts, to ear and compost his Land; and that for two Causes: One, for that it was tacitly implied in the Feoffment, by reason the Feoffee could not till or compost his Land without Cattle, and Cattle could not be sustained without Pasture; so by Consequence the Feoffee had, as a Thing necessary and incident, *Common* in the Wastes and Land of the Lord. And this appears by the ancient Books, *Temp. Ed. 1. Tit. Common 24. and 17 Ed. 2. Tit. Common 23. and 20 Ed. 3. Tit. Admeasurement 8.* and by the Statute of *Merton, cap. 4.* The second Reason was, for Maintenance and Advancement of Tillage, which is much regarded and favoured by the Law.

*Common pur cause de Vicinage, (i. e. Common* by reason of Neighbourhood) is a Liberty that the Tenants of one Lord in one Town have to *Common* with the Tenants of another Lord in another Town. Those that challenge this Kind of *Common*, (which is usually called *Intercommoning*) may not put their Cattle in the *Common* of the other Town; for then they are distrainable; but turning them into their own Fields, if they stray into the Neighbour *Common*, they must be suffered. *Common of Pasture* the *Civilians* call *Jus compascendi*.

*Common Bench, (Bancus Communis, from the Sax. Banc. i. e. a Bank or Hillock, and metaphorically a Bench, High Seat, or Tribunal.)* The Court of *Common Pleas* was anciently so called, *An. 2. Ed. 3. ca. 11.* because (saith *Camden* in his *Britain. pag. 113.*) *Communia Placita inter subditos ex jure nostro, quod Commune vocant, in hoc disceptantur*, that is, The Pleas or Controversies between *common* Persons are there tried. And the Justices of that Court in legal Records are term'd *Justiciarii de Banco.* *Coke on Littl. f. 71. b.* See *Common Pleas.*

*Common Day* in *Plea of Land* (*Anno 13 Ric. 2. Stat. 1. cap. 17.*) signifies an ordinary Day in Court, as *Octabis Hillarii, Quindena Pasche, &c.* which you may see in the Statute of *51 Hen. 3.* concerning general Days in the Bench.

*Common Fine, Finis Communis:* Of this *Fleta, lib. 1. c. 48. sect. quibus*, hath these Words, *Quibus expeditis* (speaking of the Business finished by Justices in Eyre) *consueverunt Justiciarii imponere villatis, juratoribus hundredis & toti comitatu concelamentum, & omnes separatim amerciare, quod videtur volun-*

*tarium, cum de perjurio & concelamento non fuerint convicti, sed potius dispensandum esset cum eis quod animas in statera posuerint pro pacis conservatione.* And a little following he saith, *Quod communes misericordie, vel fines comitatum amerciatorum in finibus itinerum Justiciariorum, &c.* *Common Fine* is a certain Sum of Money which the *Resiants*, within the View of some Leets, pay to the Lord thereof, called in divers Places *Head-Silver*, in others *Cert-Money*, or *Certum Leta*, and *Head-Pence*; and was first granted to the Lord towards the Charge of his Purchase of the Court-Leet, whereby the *Resiants* had now the Ease to do their Suit Royal nearer Home, and not to be compelled to go to the Sheriff's Turn: As in the Manor of *Sheepshead*, in *Com. Leic.* every *Resiant* pays *1 d. per Poll* to the Lord at the Court held after *Michaelmas*, which is there called *Common Fine*. There is also *Common Fine* of the County; for which see *Fleta, lib. 7. c. 48.* and the Statute of *3 Ed. 1. cap. 18.* But the Clerk of the Market shall take no *Common Fine*, *Anno 13 R. 2. cap. 4.* For *Common Fine* the Lord cannot distrain without a Prescription. *Godfrey's Case, Coke's 11 Reports.* See *Cert-Money.*

*Commons House of Parliament* is so called, because the *Commons* of the Realm, that is, Knights, Citizens, and Burgessees, representing them, do sit there. *Crompt. Jurisd. 9.*

*Common Intendment* is *Common Understanding* or *Meaning* according to the subject Matter, not strained to an exoticick Sense. *Bar to Common Intendment* is an ordinary or general Bar, which commonly disables the Declaration of the Plaintiff. Of *Common Intendment*, a Will shall not be supposed to be made by Collusion. *Coke on Littl. f. 78. b.* See *Intendment.*

*Common Law.* After the Decay of the *Roman Empire*, three Sorts of the *German People* invaded the *Britons, viz. the Saxons, the Angles, who were a neighbouring People, and the Jutes:* From the last came the *Kentish Men*, and the *Inhabitants of the Isle of Wight*; from the *Saxons* came the People called *East, South, and West Saxons*; and from the *Angles* came the *East Angles, Mercians, and Northumbrians.* As these People had different Customs, so they inclined to the different Laws by which their Ancestors were governed; but the Customs of the *West Saxons* and *Mercians*, who dwelt in the Midland Counties, being preferred before the Rest, were for that Reason called *Jus Anglorum*; but the particular Names were *West Saxonlage*, and *Mercenlage*; and by these Laws those People were governed for many Ages. But the *East Saxons* being afterwards subdued by the *Danes*, their Customs were introduced, and a third Law was substituted, which was called *Dane-Lage.*

The *Danes* being overcome by the *Normans, Henry Bishop of Winchester*, who was nearly related to the Conqueror, told our Historian *Gervas of Tilbury*, That upon due Consideration of all those Laws and Customs the Conqueror abrogated some, and established others; to which he added some of his Country Laws, which he adjudged most to conduce to the Preservation of the Peace, and the Quiet and Ease of the People. And this is what we now call the *Common Law.*

Not that this was the Original of the *Common Law*; for *Ethelbert*, the first Christian King of this Nation, who lived in the sixth Century, made the first *Saxon Laws*, which were published in *English* by the Advice of some Wise Men, whom



he called to his Assistance, which continue to this Day. 'Tis true, King *Alfred*, who lived 300 Years afterwards, is called *Magnus juris Anglicani Conditor*: Not because he first made that Law, but because, being the first sole Monarch after the *Heptarchy*, he collected all the *Saxon Laws* (which were made in the Space of 300 Years) into one Book, that is, he collected the best, and rejected the rest, and commanding them to be observed through the whole Kingdom, which before affected only several Parts thereof, it was therefore properly called the *Common Law*, because it was common to the whole Nation; and soon after it was called the *Folk Right*, i. e. the *People's Right*. The Word *Common Law* hath three Significations: First, It is taken for the *Laws* of this Realm simply, without any other Law joined to it; as when it is disputed what ought of Right to be determined by the *Common Law*, and what by the *Spiritual Law*, or *Admiral's Court*, or the like. Secondly, For the *King's Court*, as the *King's Bench* or *Common Pleas*, only to shew a Difference between them and the base Courts, as Customary Courts, Court-Barons, County-Courts, Pipowders, and such like; as when a Plea of Land is removed out of ancient Demesne because the Land is Frank-fee, and pleadable at the *Common Law*, that is, in the *King's Court*, and not in ancient Demesne, or any other base Court. Thirdly, and most usually, by the *Common Law*, is understood such *Laws* as were generally taken and holden for Law, before any Statute was made to alter the same; as, neither Tenant for Life, nor for Years, were punishable by the *Common Law* for doing Waste till the Statute of *Glouc. cap. 5.* was made, which gives Action of Waste against them: But Tenant by Courtesy, and Tenant in Dower, were punishable for it before the said Statute. See *Law*, and *Merchenlage*.

**Common Pleas, Communia Placita**, Is the *King's Court* now held in *Westminster-Hall*, but in ancient Time moveable; as appears by *Magna Charta, cap. 11.* and also *2 E. 3. cap. 11.* & *Pupilla oculi, Part 5. cap. 2.* But Mr. *Gwin* in the Preface to his Reading saith; That until the Time that *Henry the Third* granted the Great Charter, there were but two Courts in all, called *The King's Courts*; whereof one was the *Exchequer*, the other the *King's Bench*, which was then called *Curia Domini Regis*, and *Aula Regia*, because it followed the King and Court: And that upon the Grant of that Charter, the Court of *Common Pleas* was erected, and settled in one certain Place, viz. *Westminster*. And because this Court was settled at *Westminster*, therefore after that, all Writs ran, *Quod sit coram Justiciariis nostris apud Westmonasterium*; whereas before it was, *Coram me vel Justiciariis meis*, simply without Addition of Place, as he well observeth out of *Glanville* and *Bracton*: The one writing in *Henry the Second's* Time, before the Court was erected; the other in the later Time of *Henry the Third*, who erected this Court. All Civil Causes, both Real and Personal, are or were in former Times tried in this Court according to the strict Law of the Realm. And by *Fortescue, cap. 50.* it seemeth to have been the only Court for real Causes: The Chief Judge of that Court is called *The Lord Chief Justice of the Common Pleas*; assisted with three or four Associates, which are created by Letters Patent from the King, and, as it were, installed or placed upon the Bench by the *Lord Chancellor*

and *Lord Chief Justice of the Court*; as appeareth by *Fortescue, cap. 51.* who expresses all the Circumstances of this Admission. The rest of the Officers belonging to this Court, are, The *Custas Brevium*, three Prothonotaries, Chirographer, fourteen Filacers, four Exigenters, Clerk of the Warrants, Clerk of the Juries, or *Jurata Writs*, Clerk of the King's Silver, Clerk of the Treasury, Clerk of the Essoins, Clerk of the Outlawries: whose distinct Functions look in their proper Places. See *Common Bench*, and *4 Inst. fol. 99.*

**Commote**, (Br. *Commotum*, i. e. *Provincia*;) in *Wales*, is half a *Centred* or Hundred, containing fifty Villages. *Stat. Wallia, 12 Ed. 1. and 21 H. 8. c. 26.* *Wales* was anciently divided into three Provinces, *North Wales*, *South Wales*, and *West Wales*, otherwise called *Powysland*; and each of these were again subdivided into *Centreds*, and every *Centred* into *Commotes*. Sir *Jo. Dodridge's History of Wales, fol. 2.* So *Brecknockshire* is found to have three *Centreds*, and eight *Commotes*. *History of Wales.* It signifies also a great Scigniorie, and may include one or divers Manors. *Coke on Litt. fol. 5.* 'Tis Sir *Henry Spelman's* Opinion, that a *Commote* is half an Hundred; but *Sylveſter Giraldus*, in his *Itinerary of Wales*, tell us 'tis but a Quarter of an Hundred, viz. *Gruffino filio Reſt unius Commoti solum, id est, quartæ partis Centredi, &c. Itinerar. lib. 1. c. 2.*

**Communance**. The Commoners, or Tenants and Inhabitants, who had the Right of *Common*, or *Commoning* in open Fields, or Woods, were formerly called the *Communance* and *Commuaunce*, *Communa* or *Communia Pastura*, the *Common Pasture*: And *Communare*, to enjoy the Right of *Common*.

**Commune**. See *Comminality*.

**Commune Concilium Regni Angliæ**, The Common Council of the King and People, assembled in Parliament. See *Parliament*.

**Communia placita non tenenda in Scaccario** is a Writ directed to the Treasurer and Barons of the *Exchequer*, forbidding them to hold Plea between *Common Persons* in that Court, where neither of them belong thereto. *Reg. of Writs, fol. 187. b.*

**Communication**, (*Communicatio*;) a Talking, Consultation, or Conferring with. Where there is only a Parley betwixt two, and no perfect Agreement, that is, no such Contract between 'em as on which to ground an Action, it is called a *Communication*.

**Communi Custodia** is a Writ that did lie for that Lord whose Tenant, holding by Knight's Service, died, and left his eldest Son under Age, against a Stranger that entered the Land, and obtained the Ward of the Body. *Old Nat. Br. fol. 89.* But this Writ is become obsolete since Wardships were taken away by the *Stat. 12 Car. 2. cap. 24.*

**Communitas Regni**. *Tota terra communitas, Regni totius communitas.* These Phrases have been of late Years thought to signify the ordinary People, and Freeholders; or at best Knights and Gentlemen, under the Degree of *Barons*, as if they were the Community of the Land, and had been always so esteemed. But anciently the *Barons* only, and Tenants in *Capite*, or Military Men, were the Community of the Kingdom, and those only meant, taken and reputed as such in our most ancient Historians and Records. See *Dr. Brady's Glossary*, at the End of his Introduction to *Eng. Hist.*

**Comorth**, (*Comortha*.) from the British *Cymorth*, (*Subsidium*) a Contribution; *Subsidium a pluribus collatum*. Anno 4 H. 4. c. 27. 26 Hen. 8. c. 6. prohibits the Levying any such in *Wales*, or the *Marches*, &c. It seems this *Comorth* was gathered at Marriages, and when young Priests said or sung their first Masses, and sometimes for Redemption of Murders or Felonies.

**Companage**, Fr. all Kind of Food, except Bread and Drink. Some Tenants of the Manor of *Feskerton* in *Com. Nott.* when they performed their Boons or Work-days to their Lord, had three Boon Loaves with *Companage* allowed them. *Reg. de Thurgarton*, cited in the *Antiquity of Nottinghamshire*. Yet the learned *Spelman* interprets it to be *Quicquid cibi cum pane sumitur*. But in the *Cartular. Abbat. Glasfou. MS. pag. 74.* we find *In pane, vino, & cervisia, pisce, sive alio quocunque genere Companagii, sive leguminis.*

**Companion of the Garter**, Is one of the Knights of that most Honourable Order. 24 H. 8. c. 15. See *Garter*.

**Compellatibum**, an Adversary or Accuser, Among the Laws of King *Athelstan* we read that the Bishop should in *Compellativum adlegiationem docere ne quis alium perperam cogat jurejurando vel in ordalio.*

**Compertorium**, A judicial Inquest in the Civil Law, made by Delegates, or Commissioners to find out, or relate the Truth of a Cause. — *Et in carnibus porcinis emptis pro Clericis Domini Archiepiscopi super Compertorium apud Burcestre.* — *Paroch. Antiq. p. 575.*

**Compositio mensurarum**, Is the Title of an ancient Ordinance for Measures, not printed, and mentioned in the Statute of 23 Hen. 8. cap. 4.

**Compostum**, *Compost*, or *Dung*. *Compostare*, to lay on such *Compost*. — *Walterus Archiepiscopus Cantuar. remisit H. Priori & Conventui Ecclesie Cantuar. manerium suum de Caldecote, — & Prediis Prior & Conventus — terras predicti manerii saldabunt & compostabunt de exitu bestiarum ibidem.* Dat. 15 Jul. 1326. *Registr. Ecclesie Christi Cantuar. MS.*

**Compynt**, Properly signifies to print together; but as it is used in common Speech among Dealers in Books, it intends a surreptitious Printing of another's Copy, to make a Gain thereby to himself. This is contrary to the Statute made 14 Car. 2. cap. 33. 16 Car. 2. cap. 6. & 16 & 17 Car. 2. cap. 7. and 17 Car. 2. cap. 4. *apud Oxon.*

**Compromise**, *Compromissum*. We usually say *Compromise*, is a mutual Promise of two or more Parties at Difference, to refer the Ending of their Controversies to the Arbitrement and Equity of one or more Arbitrators. *West. par. 2. Symb. Tit. Compromise, sect. 1.* defines it thus, A *Compromise* or Submission, is the Faculty or Power of pronouncing Sentence between Parties at Controversy, given to Arbitrators by the Parties mutual private Consent, without publick Authority.

**Comptroller**. See *Controller*.

**Compurgator**, one that by Oath justifies another's Innocence. See *Law and Oath*.

**Computation**, Is used in the Common Law for the true and indifferent Construction of Time, so that neither the one Party nor the other shall do Wrong, nor the Determination of Times referr'd at large, be taken one way or other, but computed according to the just Censure of the Law. As if Indentures of Demise are ingrossed, bearing

Date the eleventh Day of May 1669. To Have and to Hold the Land in S. for three Years from henceforth, and the Indentures are delivered the fourth Day of June, in the Year aforesaid: In this Case, From henceforth shall be accounted from the Day of the Delivery of the Indentures, and not by any *Computation* from the Date: And if the said Indenture be delivered at four of the Clock in the Afternoon of the said fourth Day, this Lease shall End the third Day of June, in the third Year; for the Law in this *Computation* rejects all Fractions, or Divisions of the Day; for the Incertainty, which always is the Mother of Contention; so where the Statute of Inrolments made Anno 27 H. 8. c. 16. is, That the Writings shall be inrolled within six Months after the Date of the same Writings indented; if such Writings have Date, the six Months shall be accounted from the Date, and not from the Delivery; but if it want Date, then shall it be accounted from the Delivery. *Co. lib. 5. fol. 1.* If any Deed be shewed to a Court at *Westminster*, the Deed, by Judgment of the Law, shall remain in Court all the Term in which it is shewed, for all the Term in Law is but as one Day. *Co. lib. 5. fol. 1.* If a Church be void, and the true Patron doth not present within six Months, then the Bishop of the Diocese may collate his Chaplain; but these six Months shall not be computed according to the twenty-eight Days to the Month, but according to the Calendar: And there is great Diversity in our common Speech in the singular Number, as a *Twelve-Month*, which includes all the Year, according to the Calendar; and *Twelve Months*, which shall be computed according to 28 Days to every Month. *Co. lib. 6. fol. 61. b.*

**Computo**, Is a Writ so called of the Effect, because it compelleth a Bailiff, Receiver, or Chamberlain, to yield his Account. *Old Nat. Brev. fol. 58.* It is founded upon the Statute of *West. 2. cap. 2. Anno 13 E. 1.* which, for your better Understanding, you may read. And it lieth also for Executors of Executors. 15 E. 3. *Stat. de Provis. Visual. cap. 5.* Thirdly, Against the Guardian in Socage, for Waste made in the Minority of the Heir. *Marlb. cap. 7.* And see farther, where, how, and for what it lies. *Reg. Orig. f. 135. Old Nat. Brev. ubi supra, & F. N. B. fol. 116.*

**Con**, the same with *Ken*.

**Conable**, (Fr. *Convenable*, i. e. Convenient or Fittings.) — The ordain that there be made a Wache of Conabyll heythe, cressyd with Dykes of Werne, to fore the Entry of your Rechpne, that no strange Peopille may enter with certain Clekeths, advised be you, and be your Steward to such Persons, as you and them think honest and Conabel. Artic. Decani & Capit. Sti. Pauli Priorat. S. Helenæ. Dat. 21 Junii, 1439.

**Contagu**, the Barony of *Kendall*.

**Concealers** (*Concelatores*) are such as find out concealed Lands, that is, such Lands as are privily kept from the King by common Persons, having nothing to shew for their Title or Estate therein. Anno 39 Eliz. cap. 22. and 21 Jac. cap. 2. They are so called from *Concelando*, as *Mons* from *Movendo*, per *Antiphrasin*. See 3 Part. Inst. fol. 188. where the Author calls them *Turbidum hominum genus*.

**Concessi**, A Word of frequent Use in Conveyances, creating a Covenant in Law; as *Dedi* makes a Warranty. *Co. on Lit. fol. 384.*

**Concionator**, A Common Council-Man, a *Magister* *Worthy*, a Freeman called to the Hall, or Assembly. — *Quodam tempore cum convenissent Concionatores Angliæ apud Londoniam, &c.* Hister. Elien. Edit. Gale, cap. 46.

**Conclusion**, *Conclusio*, Is when a Man by his own Act upon Record, hath charged himself with a Duty, or other Thing. As if a Freeman confess himself to be the Villain of A. upon Record, and afterward A. takes his Goods, he shall be *concluded* to say in any Action or Plea afterwards, that he is free, by Reason of his own Confession. So if the Sheriff upon a *Capias* to him directed, returns that he hath taken the Body, and yet hath not the Body in Court at the Day of the Return; he shall be amerced, and if it were upon a *Capias ad Satisfac.* the Plaintiff may have his Action against the Sheriff for the Escape; for by such Returns the Sheriff hath *concluded* himself. And this Word *Conclusion* is taken in another Sense, as for the End or later Part of any Declaration, Bar, Replication, &c. As where to the Bar there ought to be a Replication, the *Conclusion* of his Plea shall be, *Et hoc paratus est verificare*. If in Dower, the Tenant pleads, That he was never seised to render Dower, the *Conclusion* shall be, *Et de hoc ponit se super Patriam*. And in what manner the *Conclusion* shall be, according to the Nature of several Actions, see *Kitchin*, fol. 219, 220.

**Concord**, *Concordia*, Is in the Common Law, by a peculiar Signification, defined to be the very Agreement between Parties, that intend the Levying of a Fine of Lands one to the other, how, and in what Manner the Land shall pass; In the Form whereof, many Things are to be considered. *West. part. 2. Symb. Tit. Fines and Concord, sect. 30.* whom read at large. *Concord* is also an Agreement made upon any Trespass committed between two or more, and is divided into a *Concord executory*, and *Concord executed*. See *Plowd. fol. 5 & 6. Reniger and Fogassa's Case*, where it appeareth by some Opinions, That the one bindeth not, as being imperfect; the other absolute, and ties the Parties: And yet by some other Opinions in the same Case, it is affirmed, That Agreements executory be perfect, and no less bind than Agreements executed, f. 8. b.

**Concubaria**, A Fold, a Pen, or Place where Cattle lie together. — *Willielmus de Putor concedit Hospitali de Thelesford unam dimidiam virgatam terre in Effora* — *quiete & integre in viis, semitis, terris, pratis, concubariis & pasturis, cum omnibus assumentis.* — Cartular. de Theliford. MS.

**Concubinage** *Fr.* signifies properly the keeping a Whore for one's own filthy Use: But it is used as an Exception against her who sues for Dower, alledging thereby that she was not Wife lawfully married to the Party, in whose Lands she seeks to be endowed, but his Concubine. *Briton, c. 107. Bracton, lib. 4. tract. 6. cap. 8.* who tells us, That Concubinage may be lawful, *Quoad heredem & hereditatis Successionem*; but not *Quoad dotem*, *Lib. 3. c. 28.* By which it must not be intended such a Concubinage which tends to Fornication; but such as was allowed in Scripture to the Patriarchs, *viz. Secundum legem Matrimonii, infra dignitatem tamen uxoris ducitur.*

**Condate**. Congleton in Cheshire.

**Condercunt**, Chester upon the Street, in the Bishoprick of Durham.

**Conders**, May seem to proceed from the French *Conduire*, i. e. *Gubernare*; they be such as stand upon high Places near the Sea-Coasts, at the Time of Herring-fishing, to make signs with Boughs, &c. in their Hands unto the Fishers, which way the Shole of Herrings passeth; for that doth appear better to such as stand upon some high Cliff on the Shore, by a Kind of blue Colour that the said Fish causeth in the Water, than to those that be in the Ships. These be otherwise called *Hewers*, (probably from the French *Huyer, exclamare*) and *Balkers, Directors*, and *Guiders*, as appeareth by the Statute Anno 1 Jacobi, cap. 23.

**Condis**, a Ridge of Land: *Quandam parcelam ejusdem Conditi juxta campum ipsorum.* Du Fresne.

**Condition**, *Conditio*, Is a Restraint or Bridle annexed to a Thing, so that by the not Performance, the Party to it shall receive Prejudice and Loss, and by the Performance, Commodity and Advantage. *West. part. 1. Symb. lib. 2. sect. 156. and Co. lib. 3. Pennant's Case, f. 64.* Of these Conditions there are divers Kinds, *Condition collateral*, *Condition in Fact*, *Condition in Law*, *Condition exprest*, and *Condition imply'd*, &c. *Condition collateral*, is that which is annexed to any collateral Act, as that the Lessee shall not go to Canterbury. *Co. lib. 3. fol. 65.* *Condition in Fact*, is that which is exprest in plain Words in any Feoffment, Lease or Grant: *Condition in Law* is imply'd, though not at all exprest in the Grant. Also Conditions are either precedent, and going before the Estate, and are executed, or else subsequent and executory. *Condition precedent*, doth get and gain the Thing or Estate made upon that Condition, by the Performance of it. *Condition subsequent*, keeps and continues the Thing or Estate made upon Condition, by the Performance of it. *Condition precedent* is, when a Lease is made for Life to one upon Condition, That if the Lessee will pay to the Lessor 20 li. at such a Day, then he shall have Fee-simple; Here the Condition precedes the Estate in Fee-simple, and upon Performance of the Condition, gains the Fee-simple. *Condition subsequent* is, when one grants to F. S. his Manor of Dale in Fee-simple, upon Condition, That the Grantee shall pay to him at such a Day 20 li. or else that his Estate shall cease; here the Condition is subsequent, and following the Estate in Fee, and upon the Performance thereof continues the Estate. See more of this in *Co. lib. 3. f. 64.* and in *Lit. lib. 3. c. 5.* and *Perkins* in the last Title Of Conditions.

**Cone and Key**. *Bracton, lib. 2, c. 37. num. 3. Fœmina in tali ætate, (i. e. 14 & 15 Annorum) potest disponere Domui suæ & habere Cone & Key.* *Colne*, in the Saxons, signifies *Calculus, Computus*; and *Key, Clavis*. So that a Woman was then held to be of competent Years, when she was able to keep the Accounts and Keys of the House: And *Glan. lib. 7. cap. 9.* hath somewhat to the same Purpose.

**Confederacy** (*Confœderatio*) is when two or more confederate or combine themselves to do any Damage to another, or to commit any unlawful Act. And tho' a Writ of Conspiracy does not lie, if the Party be not indicted, and in lawful Manner acquitted, for so are the Words of the Writ; yet false Confederacy between divers Persons shall be punished, tho' nothing be put in Execution; which appears by the Book of 27 Affr. Placit.

*Placit. 44.* where two were indicted of *Confederacy*, each to maintain other, whether their Matter were true or false; and tho' nothing were supposed to be put in Practice, the Parties were enjoined to answer, since the Thing is forbidden by Law. So in the next *Article*, in the same Book, Enquiry shall be made of *Conspirators* and *Confederators*, which bind themselves together, &c. This *Confederacy*, punishable by Law before it be executed, ought to have four Incidents: First, It must be declared by some Matter of Prosecution, as by making of Bonds or Promises the one to the other. Secondly, *Malicious*, as for unjust Revenge. Thirdly, It ought to be *false*, against an Innocent. Lastly, To be out of Court, voluntarily. *Terms de la Ley.*

*Confession of Offence*, Is, when a Prisoner is appealed or indicted of Treason or Felony, and brought to the Bar to be arraigned, and his Indictment is read unto him: And the Court demands what he can say thereto, then either he *confesses* the *Offence*, and the Indictment to be true, or estranging him from the *Offence*, pleads *Not guilty*, or else gives an indirect Answer, and so in Effect stands Mute. *Confession* may be made in two Sorts, and to two several Ends. The one is, He may *confess* the *Offence* whereof he is indicted openly in the Court, before the Judge, and submit himself to the Censure and Judgment of the Law, which *Confession* is the most certain Answer, and best Satisfaction that may be given to the Judge to condemn the Offender; so that it proceeds freely of his own accord, without any Threats, Force, or Extremity used: For if the *Confession* arise from any of these Causes, it ought not to be recorded. As if a Woman was indicted for the felonious Taking of Bread, to the Value of two Shillings, and being thereof arraigned, she *confess* the Felony, and said, That she did it by the Commandment of her Husband; and the Judges, in Pity, would not record her *Confession*, but caused her to plead *Not guilty* to the Felony; whereupon the Jury found, That she stole the Bread by Compulsion of her Husband, against her Will, for which Cause she was discharged. 27 *Affs. pl. 50.* The other Kind of *Confession* is, when the Prisoner *confesses* the Indictment to be true, and that he committed the *Offence* whereof he is indicted, and then becomes an Approver, that is, an Accuser of others, who have committed the same *Offence* whereof he is indicted, or other *Offences* with him; and then prays the Judge to have a Coroner assigned him, to whom he may make Relation of those *Offences*, and the full Circumstances thereof. There is also a third Kind of *Confession* made by an Offender in Felony, which is not in Court before the Judge, as the other two are; but before a Coroner in a Church, or other privileged Place, upon which the Offender, by the ancient Law of the Realm, was to abjure.

*Confessor*, *Confessarius*, a *Confessionibus*. The Priest, who received the auricular *Confession*, had the Title of *Confessor*. Though improperly; for he is rather the *Confessee*, being the Person passive, to whom the *Confession* is made, or at least the *Confessary*, who receives the *Confession*, or the *Confessionar*. This receiving the *Confession* of a Penitent, was in the old Engl. *to shrove*, or *to shrive*, Sax. *Scrifan*; whence the Party *confessed* was *Bescrifen*; whence our Engl. *Beshriev'd*, or looking like a *confessed* or *shriev'd* Person, imposed some uneasy Penance; Hence to *beshrieve*, is to imprecate,

or denounce the Curse of Sin as *Confession*. The act of *Confession* was called *Scrifde*, whence possibly to *shift* or shuffle in Discourse, like People who are ashamed or afraid to tell all their Faults. The most solemn Time of *confessing* was the Day before *Lent*, which from thence is still called *Shrove-Tuesday*.

*Confirmation*, *Confirmatio*, Cometh of the Verb *Confirmare*, quod est firmum facere; and therefore it is said, That *Confirmatio omnes supplet defectus; licet id quod actum est, ab initio non valuit.* Co. on *Lit. lib. 3. cap. 9. sect. 515.* It is a Conveyance of an Estate or Right in esse, whereby a voidable Estate is made sure and unavoidable, or whereby a particular Estate is increased. Nay, it is a strengthening of an Estate formerly, and yet voidable, though not presently void. For Example, a Bishop granteth his Chancellorship by Patent, for the Term of the Patentee's Life; this is no void Grant, but voidable by the Bishop's Death, except it be strengthened by the *Confirmation* of the Dean and Chapter. *Qualibet Confirmatio aut est perficiens, crescens aut diminuens.* 1. *Perficiens*, As if a Feoffee upon Condition make a Feoffment, and the Feoffor confirm the Estate of the second Feoffee: So if Disseisor confirm the Estate of the Disseisor, or his Feoffee. 2. *Crescens*, Doth always enlarge the Estate of a Tenant; as Tenant at Will, to hold for Years; or Tenant for Years, to hold for Life. 3. *Diminuens*, As when the Lord of whom the Land is holden, confirms the Estate of his Tenant, to hold by a less Rent. See more of this, *West. Symb. part. 1. lib. 1. sect. 2. 500. F. N. B. f. 169, 226, 271. and Lit. lib. 3. c. 9. Co. 9. Rep. Beaumont's Case.*

*Confiscate*, *Confiscatus*, May be derived either from the Lat. *Confiscare*, or the French *Confisquer*; that is, *in publicum aduere*: All these Words are drawn from *Fiscus*, which (as *Minshew* saith) originally signifieth a Hamper or Basket, but *Metonymically*, the Emperor's Treasure; because it was anciently kept in such Hampers. And tho' our King doth not put his Treasure in such Things; yet as the *Romans* have said, That such Goods as are forfeited to the Emperor, were *Bona Confiscata*; in like Manner do we say of such Goods as are forfeited to the King's *Exchequer*. And the Title to have these Goods is given to the King by such Law, when they are not claimed by some other. As if a Man be indicted, That he feloniously stole the Goods of another Man, when, in Truth they are the proper Goods of him indicted; and they are brought in Court against him as the Manner is, and he then asked, what he says to the said Goods, to which he disclaims; by this *Disclaimer* he shall lose the Goods, although thereafterwards he be acquitted of the Felony, and the King shall have them as *confiscated*: But otherwise it is, if he do not disclaim them. The same Law is, where Goods are found in the Felon's Possession, which he disavows, and afterwards is attainted of other Goods, and not of them, there the Goods which he disavows are *confiscate* to the King; but had he been attainted of the same Goods, they should have been said to be *forfeited* and not *confiscate*, notwithstanding his Disavowment. So if an Appeal of Robbery be brought, and the Plaintiff leaves out some of his Goods, he shall not be received to enlarge his Appeal, and forasmuch as there is none to have the Goods so left out, the King shall have them as *confiscate*, according to the old Rule, *Quod non capit Christus, capit Fiscus*. And as in the Case aforesaid,



said, the Law punishes the Owner for his Negligence, and Connivency; so also the Law abhors Malice in seeking the Life of any, without just Cause. And therefore if *A.* hath the Goods of *B.* by Delivery or Finding, and *B.* brings an Appeal against *A.* for taking them feloniously, and it is found, That they were the Plaintiff's Goods, and thar the Defendant came lawfully by them: In this Case the Goods are not confiscated to the King, because of the false and malicious Appeal. See more in *Staudf. pl. cor. l. 3. ca. 24. 3 Inst. f. 227.* Note, *confiscare* and *forisfacere* are Synonyma's; and *Bona confiscata* are *Bona forisfacta*.

**Confratrii, Confraternitas,** A Fraternity or Brotherhood, as the *Confrairie* de St. George, or *Les Chevaliers de la blue Garliur.* Selden.

**Confreres, Confratres,** Brethren in a religious House, Fellows of one Sociery. 32 H. 8. c. 24.

**Congeable,** Cometh of the French *Conge*, that is, *Venia*; and signifies in our Common Law as much as lawful, or lawfully done, or done with Leave; as, the Entry of the *Disseise* is congeable, and so *Littleton* uses it in his 410 Section and *Cro. 2. par. fol. 31.*

**Conge d'Accorder,** Signifies Leave to accord, or agree; it is mentioned in the *Statute of Fines*, 18 E. 3. in these Words, *When the Original Writ is delivered in Presence of the Parties before the Justices, a Pleader shall say this, Sir Justice, conge d'Accorder; and the Justice shall say to him, What saith Sir R. and shall name one of the Parties, &c.*

**Conge d'Ellire, Venia Eligendi,** Is French, and signifieth in our Common Law the King's Permission Royal to a Dean and Chapter, in Time of Vacation, to chuse a Bishop; or to an Abbey or Priory of his own Foundation to chuse the Abbot or Prior. *F. N. B. f. 169, 170.* Touching this Matter, *Gwin* in his Preface to his Readings, saith, *That the King of England as Sovereign Patron of all Archbishopricks, Bishopricks, and other Ecclesiastical Benefices, had of ancient Time free Appointment of all Ecclesiastical Dignities, whensoever they chanced to be void, investing them first, per Baculum & Annulum, and afterwards by his Letters Patent; and that in Process of Time, he made the Election over to others, under certain Forms and Conditions; as, that they should at every Vacation, before they chuse, demand of the King Conge d'Ellire; that is, Licence to proceed to Election; and then after the Election, to crave his Royal Assent, &c.* And further, he affirmeth by good Proof, out of Common Law Books, That King *John* was the first that granted this, and that it was afterwards confirmed by *West. 1. cap. 1.* which Statute was made *An. 3 E. 1.* and again, by the *Stat. Articuli Cleri, cap. 2.* which was ordained, 25 E. 3. *Stat. 3.* It is certain all the Prelacies in England were conferred at the Pleasure of the Prince, and the Persons were invested by the King's Delivery of a Staff and Ring, till Archbishop *Anselm* denied this Royal Prerogative, and prevailed with Pope *Paschal* to abrogate this Custom by a solemn Canon. After which, the first Bishop who came in by a regular Election, was Roger Bishop of Salisbury, in 3 H. 1. *An. 1102.*

**Congildon.** 'Tis mentioned in *Leg. Ina, c. 23.* and signifies Joint-payment, or one who is a Companion with another in such a Payment or Tribute.

**Congius,** an ancient Measure of six Sextaries; which is about a Gallon and a Pint. *Et reddat quinque Congios cere & unum Idromelli, & triginta*

*panes cum pertinentibus pulmentariis. Charta Edmundi Regis de Anno 946. See Sextary.*

**Congleton.** See *Condate*.

**Conjectare,** To contribute. *Waram & compositionem mortis Conjectare.* In *Legibus Alured. cap. 21, & 32.*

**Coningeria, A Cony-borow, or Warren for Rabbits.**—*Item dicunt, quod idem Dominus potest capere in duabus coningeriis quas habet infra insulam de Vecta 100 cuniculos per annum, & valet quilibet cuniculus ii. den.*—*Inquis. de Anno 47 Hen. 3. n. 32.*

**Conisance.** See *Cognizance*.

**Conisoz.** See *Cognisor*.

**Conjutare** is where several confirm a Thing by Oath.

**Conjuratio** is an Oath; and *Conjuratus* is the same with *Conjurator*, viz. one who is bound by the same Oath. *Ernaldus Marecallus juratus idem dicit per omnia quod filius Andrea Conjuratus fuit, &c.* *Mon. 1 Tom. pag. 207.*

**Conjuratio, Conjuratio,** Is a Compound of *con* and *juro*, and so it signifieth a Plot or Compact made by Men, combining themselves together by Oath or Promise, to do any publick Harm: But in our Common Law it is specially used for such as have personal Conference with the Devil, or evil Spirits, to know any Secret, or to effect any Purpose. *Anno 5 Eliz. cap. 16.* And the Difference between *Conjuratio* and *Witchcraft* seems to be this; That the one by Prayers and Invocations of God's powerful Names, compels the Devil to say or do what he commandeth him; the other dealeth rather by a friendly and voluntary Conference and Agreement between Him or Her and the Devil, or Familiar, to have Her or His Desires, or Turns served, in lieu of Blood or other Gift offered unto him, especially of His or Her Soul. And both these differ from Enchantments or Sorceries, because they are personal Conferences with the Devil, as is already said; but these are but Medicines, and ceremonial Forms of Words, called commonly *Charms*, without Apparition:

**Concubium Urbis,** *Caerleon upon Conway* in *Caermarthenshire*.

**Conovius Flubius,** *Conwey* in *Wales*.

**Concreata Pellis,** A Hide or Skin dressed, a *Concreatore*, by the Currier.——*Una pellis ovina signa datur concreata, valet unum denarium, obolum; una Pellis agnina signa datur concreata, valet i. den.*

Regulæ compoti Domus de Farendon: MS.

**Concredium,** the same with *Credody*; which see. *Abbas & Monachi ejus loci per totum annum post obitum suum totum Concredium (sicut in vita sua perceperint) habere debent quod alicui indigenti pro anima sua erogabitur.* *Mon. 1 Tom. pag. 149.*

**Consanguineo,** Is a Writ, for the which see *Azo, & Reg. Orig. de Atavo, Proavo & Consanguineo, f. 226. a.*

**Conservator,** A delegated Umpire, or standing Arbitrator, who as a third impartial Friend, was chosen or appointed a Guarantee to compose and adjust Differences, that should arise between two other Parties.——*Ego Simon Rector Ecclesiæ de Heyford Warinc—subjiendo me coercionem seu compulsionem, civilibus Judiciis vel Delegatis, seu Conservatori, quem dicti Religiosi & eorum successores duxerint eligendum.*—*Paroch. Antiq. pag. 513.*

**Conservator of the Truce and Safe-conducts,** *Conservator Indiarum & saluorum Regis conductuum*, was an Officer appointed in every Port of the Sea by the King's Letters Patent, and had 40 l. for his yearly Stipend at the least. His Charge was to enquire of all Offences done against the King's Truce and Safe-conducts upon the main Sea, out of the Liberties of the Cinque-Ports, as the Admirals customably were wont to do, and such other Things as are declared in 2 H. 5. cap. 6. touching this Matter; read also the Statute of 4 H. 5. c. 7.

**Conservator of the Peace, Conservator vel Custos Pacis**, Is he that hath an especial Charge, by Virtue of his Office, to see the King's Peace kept; which *Peace Lambard* in Effect defineth to be a With-holding or Abstinence from that injurious Force and Violence, which boisterous and unruly Persons are in their Natures prone to use towards others, were they not restrained by Laws, and Fear of Punishment. Of these Conservators he farther saith thus, That before the Time of King Edward the Third, who first erected *Justices of Peace*, there were sundry Persons, that by the Common Law had Interest in keeping the Peace: Of those some had that Charge, as incident to their Offices which they did bear, and so included within the same, that they were nevertheless called by the Name of their Office only: Some others had it simply, as of it self, and were therefore named *Custodes Pacis*, Wardens, or Conservators of the Peace. The former and later Sort he again subdivideth, which read in his *Eirenarcha*, lib. 1. cap. 3. The Corporation of the great Level of the Fens, does consist of a Governor, six Bailiffs, twenty Conservators and Commonalty, as by Act of Parliament, 15 Car. 2. cap. 17. appears. The Chamberlain of Chester is a Conservator of the Peace in that County, by Virtue of his Office. 4 Inst. fol. 212. And Petty-Constables are by the Common Law Conservators of the Peace, &c. Conservators of the Privileges of the Hospitalers and Templars, &c. West. 2. cap. 43. 4 Inst. fol. 341.

**Consideratio Curiae.** 'Tis often mentioned in Law Pleadings; *Ideo Consideratum est per Curiam*, i. e. 'Tis adjudged by the Court; for *Consideratio Curiae* is the Judgment of the Court, viz. as in *Matt. Paris. Addit. pa. 97. Semper paratus est stare ad Considerationem parium suorum*; and in the 2 Mon. pa. 221. *Abstulit ei dictam terram per Considerationem Curiae suae*, &c.

**Consideration, Consideratio**, Is that with us which the Greeks called *ουδλαγυια*, that is the material Cause of a Contract, without which it would not be effectual or binding. This Consideration is either exprest, as if a Man bargain to give twenty Shillings for a Horse; or else implied, as when the Law it self enforceth a Consideration; as if a Man come into a common Inn, and there staying some Time, taking both Meat and Lodging for himself and his Horse, the Law presumeth that he intends to pay for both, though nothing be farther covenanted between him and his Host. And therefore if he discharge not the House, the Host may stay his Horse. *Fulbeck's Parvall. tract. Contractus*, fol. 6. Also there is a Consideration of Nature and Blood, and valuable Consideration: And therefore if a Man be indebted to divers others, and yet in Consideration of natural Affection, gives all his Goods to his Son or Cousin, this shall be construed a fraudulent Gift, within the Act of 13 El. c. 5. because this Act intends a valuable Consideration.

**Consilium (Dies Consilii)** was a Time allowed for the Accused to make his Defence, and answer the Charge of the Accuser. *In aliis quarat accusatus Consilium, & habeat ab amicis & paribus suis, quod nullo jure debet defendi, &c. Leges H. 1. c. 46.* And in the next Chapter, *Si quis a iustitia Regis implacitatus ad Consilium exierit.*

**Consistor,** a Magistrate so called; as, *Testibus Rogero de Gant, Willielmo Consistore Cestriae*, &c.

**Consistorium (Consistorium)** signifies as much as *Prætorium*, or Tribunal. It is commonly used for a Council-House of Ecclesiastical Persons, or the Place of Justice in the Court-Christian; a Session or Assembly of Prelates. Every Archbishop and Bishop of every Diocese, hath a Consistory Court held before his Chancellor or Commissary in his Cathedral Church, or other convenient Place of his Diocese, for Ecclesiastical Causes. See 3 Inst. fol. 338. — *Sciatis vos omnes & ceteri Dei fideles, qui in Anglia manent, quod Episcopales Leges, quæ non bene secundum Sanctorum Canonum præcepta, usque ad mea tempora, in Regno Anglorum fuerunt, communi Concilio Archiepiscoporum meorum & ceterorum Episcoporum & Abbatum & omnium Principum Regni mei, emendandas judicavi. Propterea mando & Regia Autoritate precipio, ut nullus Episcopus vel Archidiaconus de Legibus Episcopalibus amplius in Hundret placita teneant, nec causam, quæ ad regimen animarum pertinet, ad judicium secularium hominum adducant, &c.* This Law, made by the Conqueror, seems to give the Original of the Bishop's Consistory, as it fits with us divided from the Hundred or County-Court, wherewith in the Saxon Time it was joined. And, in the same Law of his, is further added, *Hoc etiam defendo, ut nullus laicus homo de Legibus quæ ad Episcopum pertinent, se intromittat, &c.* Selden's Hist. of Tithes, p. 413, 414.

**Consolidation, Consolidatio**, It is used for uniting two Benefices in one. *Broke, Tit. Union, and Anno 37 H. 8. c. 21.* This is taken from the Civil Law, where it signifies properly an Uniting of the Possession or Profit with the Property. For Example, if a Man have by Legacy *Usum-fructum fundi*, and afterward buy the Property or Fee-simple of the Heir, *Hoc casu consolidatio fieri dicitur.* See *Union and Unity of Possession*, and the Stat. 22 Car. 2. cap. 11.

**Conspiracy, Conspiratio**, Though both in Latin and French it is used for an Agreement of Men, to do any Thing either good or bad; yet in Common Law it is always taken in *pejorem partem*. It is defined *Anno 33 E. 1. Stat. 2.* to be an Agreement of such as do confeder, and bind themselves by Oath, Covenant, or other Alliance, That every one of them shall bear and aid the other, falsely and maliciously to indict, or falsely to move or maintain Pleas, and also such as cause Children within Age, to appeal Men of Felony; whereby they are imprisoned, and so grieved; and such as retain Men in the Countries with Liveries or Fees, to maintain their malicious Enterprises. And this extendeth as well to the Takers, as to the Givers. And Stewards and Bailiffs of great Lords, which by their Seigniorship, Office, or Power, undertake to bear or maintain Quarrels, Pleas or Debates, that concern other Parties, than such as touch the Estate of their Lords, or themselves. See 4 E. 3. cap. 11. 3 H. 7. c. 13. and also 1 H. 5. c. 3. and 18 H. 6. c. 12. and the *New Book of Entries, verb. Conspiracy*. In the Places before-mentioned, *Conspiracy* is taken more generally,

rally, and is confounded with *Maintenance* and *ChamPERTY*: But in a more special Signification, it is taken for a *Confederacy* of two at the least, falsely to indict one, or to procure one to be indicted of Felony. And the Punishment of *Conspiracy*, upon an Indictment of Felony, at the King's Suit, is that the Party attainted, lose his *Frank-Law*, to the Intent that he be not empannelled upon Juries of Assises, or such like Employments, for the testifying of Truth. And if he have to do with the King's Court, that he make his Attorney, and that his Lands, Goods and Chattels be seised into the King's Hands, his Lands estreated, his Trees rosed, and his Body committed to Prison. 27 *Aff.* 59. *Cromp. Just. of Peace*, fol. 156. b. This is called *Villanous Judgment*. See *Villanous Judgment*. But if the Party grieved sue upon the Writ of *Conspiracy*, then see *F. N. B.* fol. 114, 115. *Conspiracy* may be also in Cases of less Weight, *idem*, fol. 116, &c. As *Conspiracies* made by Viſuallers, touching selling of Viſuals shall be grievously punished. See 37 H. 8. 23. and 3 *part. Inst.* fol. 143. See *Frank-Law*.

*Conspiracione*, Is a Writ that lies against *Conspirators*. *F. N. B.* fol. 114. d. *Cromp. de Jurisd.* d. f. 209. See also the *Register*, f. 134.

*Conspiratores* are (according to the Statute) Those that do confeder, or bind themselves by Oath, Covenant, or other Alliance, that every of them shall aid and bear the other falsely and maliciously to indite, or cause to indite, or falsely to move or maintain Pleas: And also such as cause Childzen, within Age, to appeal Men of Felony, whereby they are imprisoned, and sore grieved; and such as retain Men in the Country, with Liberties or Fees to maintain their malicious Enterprises: And this extendeth as well to the Takers, as to the Givers. And Stewards and Bailiffs of great Lords, which by their Seigniorie, Office, or Power, undertake to bear or maintain Quarrels, Pleas, or Debates, that concern other Parties than such as touch the Estate of their Lords, or themselves. An. 33 Ed. 1. Stat. 2. — 2 *Part. Inst.* f. 384, and 562.

*Constable* (*Constabularius*) is a Saxon Word compounded of *Cyning*, or *Cyng*, and *Staple*, which signify the Stay and Hold of the King. *Lamb. Duty of Constables*, num. 4. But I have seen it derived from *Comes Stabuli*, which seems more probable; because we had this Officer, and many others, from the *Cæsarean Laws* and Customs of the Empire, as well as from the Saxons. But this Dignity, which originally was to take Care of the King's Stables, was afterwards made military; and the *Comes Stabuli* was then the chief General, called by our Saxon Ancestors *Heretobii*.

The Word is diversly used: First, for the *Constable of England*; of whose great Dignity and Authority we find many Proofs in our Statutes and Chronicles. His Function consists in the Care of the common Peace of the Land, in Deeds of Arms, and Matters of War. *Lamb. ubi supra*. With whom agrees the Statute of 13 R. 2. cap. 2. Stat. 1. which says, To the Court of the *Constable* and Marshal it appertains to have the Conuſance of Contracts and Deeds of Arms and of War out of the Realm, and also of Things that touch War within, as Combats, Blasony of Arms, &c. But it may not meddle with Battle in Appeals, nor generally with any other Thing that may be

tried by the Laws of the Land. See *Fortescue*, cap. 32. and 4 *Inst.* fol. 123. and especially *Pryn's Animad.* on 4 *Inst.* fol. 71. Anciently he was called *Princeps Militie Domus Regis*.

The *Constable of England* was first created by William the Conqueror, and continued till the 13 H. 8. It was an Hereditary Dignity, and descended to Females; and the *Constable* held several Manors of the King, as being *Constable of England*. But it being so powerful a Dignity, it became troublesome to the Crown, and therefore was laid aside by Henry VIII. and not created since, but upon particular Occasions.

Out of this High Magistracy of *Constable of England*, (says *Lambard*,) were drawn those inferior *Constables*, which we call *Constables of Hundreds* and *Franchises*; and first ordained by the Statute of Winchester, 13 Ed. 1. which appoints, for Conservation of the Peace, and View of Armour, two *Constables* in every Hundred and Franchise, who in Latin are called *Constabularii Capitales*, High *Constables*; because Continuance of Time, and Increase both of People and Offences, hath under these made others in every Town called *Petit Constables*, in Latin *Sub-Constabularii*, which are of like Nature, but of inferior Authority to the other. The making a *Petty Constable* belongs to the Lords of divers Manors, *Jure Feudi*. Of these read *Smith de Rep. Angl. lib. 2. c. 22*. Besides, these, there are Officers of particular Places, called by this Name, as *Constable of the Tower*. *Staundf. Pl. Cor.* fol. 152. Anno 1 H. 4. c. 13. *Constable of the Exchequer*, Anno 51 H. 3. Stat. 5. *Constable of Dover Castle*, *Cam. Britan. pag.* 239. *Constable of the Castle of Windsor*; *Constable of the Castle of Carnarvon*; *Constable of the Castle of Conway*; *Constable of the Castle of Hardlaigh*, in the County of *Merioneth*; *Constable of the Castle of Beaumaris*, *Constable of the Castle of Caermarthen*; *Constable of the Castle of Cardigan*; *Constable of the Castle of Lancaster*; *Constables of the Castles of Rothlan, Chester, and Flint*, &c. *Constable of the Castle of London*, (for so Baynard's Castle was anciently called,) and *Robert Fitz-Walter* was *Constable* thereof, and Banner-bearer of that City by Inheritance. But these are *Castellani* properly, as *Lambard* notes, though confounded in Name with the other. See the Statute Anno 32 H. 8. cap. 38. — *Manwood, par. 1. cap. 13.* mentions a *Constable of the Forest*. And Henry Lord Beaumont was *Constable of the King's Army*. 10 E. 3. *Baronage of England*, 2 *Part.* f. 51 b.

*Constat*, Lat. is the Name of a Certificate, which the Clerk of the Pipe, and Auditors of the *Exchequer*, make at the Request of any Person who intends to plead or move in that Court, for Discharge of any Thing. Anno 3 & 4 E. 6. c. 4. and 13 Eliz. c. 6. The Effect of a *Constat* is the Certifying what does *constare* upon Record, touching the Matter in Question; and the Auditor's Fee for it is 13 s. 4 d.

A *Constat* is held to be superior to a Certificate; because this may err or fail in its Contents, that cannot; as certifying nothing but what is evident upon Record. Also the Exemplification under the Great Seal of the Inrolment of any Letters Patent is called a *Constat*. *Coke on Littl. fol. 225. b.* The Difference between a *Constat*, *Inspecimus*, and *Vidimus*; you may read at large in *Page's Calc.* 5 *Report*.

*Consuetudinarium*, i. e. a Ritual or Book, containing the Rites and Forms of Divine Offices, or the Customs of Abbies and Monasteries. *Tis men.*

mentioned in *Brompton*, who writing of *Osmond*, Bishop of *Salisbury*, tells us, that *Composuit ordinalem Ecclesiastici officii quem Consuetudinarium vocant.*

*Consuetudinibus & Serbiciis* is a Writ of Right Close, which lies against the Tenant that deforceth his Lord of the Rent or Service due to him. Of this see more in *Old Nat. Br. fol. 77. Fitz. Nat. Br. fol. 151. and Reg. of Writs, fol. 159.*

*Consuetudo, Dies de Consuetudine*, A Day's Work to be done for the Lord, as a customary Service by the Tenant. ——— i. e. *debent redditum & quinque dies de consuetudine* ——— i. e. Five Days Work in a Year. *Paroch. Antiq. pag. 229.*

*Consul*, in our Law Books, signifies an Earl: For *Bracton, lib. 1. cap. 8.* tells us, that as *Comes* is derived from *Comitatu*, sive a *Societate*, so *Consul* is derived from *Consulendo*; *Reges enim tales sibi associant ad Consulendum & regendum populum Dei.* So in the Laws of *Edward the Confessor*, c. 2. *Quod modo vocatur Comitatus, olim apud Britones temporibus Romanorum vocabatur Consulatus, & qui modo Vicecomites, tunc temporis Viceconsules vocabantur.*

*Consulta Ecclesia*. A Church full, or provided for. ——— *Abbas dicit quod praedicta Ecclesia est consultata de ipso Abbate & conventu qui eam tenent in propriis usus.* ——— *Cartular. Radinges, MS. fol. 211. a.*

*Consultation, Consultatio*, Is a Writ whereby a Cause being formerly removed by Prohibition from the Ecclesiastical Court, or Court Christian, to the King's Court, is returned thither again; for the Judges of the King's Court, if upon comparing the Libel with the Suggestion of the Party, they do find the Suggestion false, or not proved, and therefore the Cause to be wrongfully called from Court Christian, then upon this *Consultation* or *Deliberation*, they decree it to be returned again: Whereupon the Writ in this Case obtained, is called a *Consultation*. Of this you may read the *Reg. Orig. 44, 45. usque ad 58. Old Nat. Brev. fol. 32. F. N. B. f. 50.* See also the Statute of the Writ of *Consultation*, *Anno 24 Ed. 1. and 1 Inst. fol. 105.*

*Contentment* (*Contentementum*, as, ——— *Salvo contentemento suo*) signifies his Countenance, Credit, or Reputation, which he hath, together with and by reason of his Freehold. And in this Sense does the Statute of *1 E. 3. and 34 E. 3. c. 7. and Old Nat. Br. use it*, where *Contentenance* is used for *Contentement*. The Armour of a Soldier is his Countenance; the Books of a Scholar, his Countenance, and the like. *Coke, 2 Part. Inst. fol. 28. Bracton, lib. 3. Tract. 2. cap. 1. num. 3.* And Sir Henry Spelman says, *Contentementum est estimatio & conditionis forma, qua quis in Repub. subsistit.*

But I rather think that *Contentement* signifies that which is necessary for the Support and Maintenance of Men according to their several Qualities, Conditions, or State of Life: For in *Magna Charta, cap. 14.* you have these Words, *A Freeman shall not be amerced for a small Fault, but after the Quantity of the Fault, and for a great Fault after the Manner thereof, saving to him his Contentment, or Freehold. And a Merchant likewise shall be amerced, saving to him his Merchandises; and a Villain, saving to him his Waynage.* And *Bracton, lib. 3. tract. 2. cap. 1. nu. 3.* hath these Words, *Et sciendum quod miles & liber homo non amerciabatur nisi secundum mo-*

*dum delicti, secundum quod delictum fuit magnum vel parvum, & salvo contentemento suo, mercator vero non nisi salva Merchandisa sua, & villanus nisi salvo Waynagio: Which Mercy seemeth to have been learned from the Civil Law, where Executio non potest fieri in boves, aratra, aliave instrumenta rusticorum.*

*Contingent Use*, Is such a Use as by the Limitation may, or may not happen to vest. Of which you may read to further Satisfaction in *Chudleigh's Case. Coke, Rep. 1.*

*Continual Claim*, It is a Claim made from Time to Time within every Year and Day, to Land or other Thing, which, in some respect, we cannot attain without Danger. As if I be disseised of Land, into which, though I have Right unto it, I dare not enter, for fear of Death or Beating. It behoveth me to hold on my Right of Entry at the best Opportunity of me and mine Heir, by approaching as near it as I can once every Year, as long as I live; and so I save the Right of Entry to my Heir. *Termes de la Ley.* Again, If I have a Slave or Villain broken from me, and remaining any where within the ancient Demesne of the King, being in the Hands of the King, I cannot maintain the Writ *De Nativitate Habendo*, as long as he continueth there; but if I claim him within the Year and Day, and so continue my Claim, until I can find him without that Compañs, I may lawfully lay hold of him as mine own. *F. N. B. fol. 7. 9.* See more in *Lit. verb. Continual Claim.* And the *New Book of Entries, Tit. Eodem; and Fleta, lib. 6. cap. 53.* See *Littl. lib. 3. cap. 7. and Stat. 32 Hen. 8. cap. 35.*

*Continuance* is as *Prorogatio* in the Civil Law: Example; *Continuance* until the next Assise. *Fitz. Nat. Br. fol. 154. F. and 244. D.* in both which Places it is said, If a Record in the Treasury be alledged by the one Party, and denied by the other, a *Certiorari* shall be sued to the Treasurer, and the Chamberlain of the Exchequer; who, if they certify not in the Chancery that such a Record is there, or that it is likely to be in the Tower, the King shall send to the Justices, repeating the Certificate, and will them to continue the Assise. In this Signification it is likewise used by *Kitchin, fol. 202, and 199. and an. 11 H. 6. ca. 4.* And *Continuance of a Writ or Action* is from one Term to another, in Case where the Sheriff hath not returned or executed a former Writ, issued out in the said Action.

*Continuando* is a Word used in a special Declaration of Trespas, when the Plaintiff would recover Damages for several Trespases in the same Action: For, to avoid Multiplicity of Suits, a Man may in one Action of Trespas recover Damages for forty or more Trespases; laying the first to be done with a *Continuance* to the whole Time in which the rest of the Trespases were done; and is in this Form, *Continuando transgressionem praedictam, &c. a praedicto die, &c. usque* such another Day, including the last Trespas.

*Contours.* See *Countors.*

*Contrabanded Goods* (from *Contra*, and the Ital. *Bando*, an Edict or Proclamation) are those which are prohibited by Act of Parliament, or the King's Proclamation, to be imported into, or exported out of this or other Nations.

*Contracatus*, i. e. a Criminal, or one prosecuted for a Crime. 'Tis mentioned in *Leg. H. 1. cap. 61.*

*Contract*



**Contract**, Is a Covenant, or Agreement with a lawful Consideration or Cause. *West. Symb. part. 1. lib. 1. sect. 10.* or else one Thing must be given for another, which is called *Quid pro Quo*; as if I sell my Horse for Money, or covenant to make you a Lease of my Manor of Dale, in Consideration of twenty Pounds; these are *Good Contracts*, because one Thing is given for another. But if a Man make Promise to me, That I shall have twenty Shillings, and that he will be Debtor to me thereof, and after I ask the twenty Shillings, and he will not deliver it; yet I shall never have an Action to recover, because the Promise was no *Contract*, but a bare Promise; and, *ex nudo Pacto non oritur Actio*. But if any Thing were given for the twenty Shillings, tho' it were but to the Value of a Penny, then had it been a *Good Contract*. *Usurious Contract* is a *Contract* to pay more Interest for Money than the Laws and Statutes of this Realm allow. It is a *Depravavit* in an Executor to pay a Debt upon an *Usurious Contract*. *Noy's Reports. f. 129.*

**Contrafactio**, Counterfeiting. As *Contrafactio Sigilli Regis*, Counterfeiting the King's Seal.

**Contra formam Collationis**, Is a Writ that lies, where a Man hath given Lands in perpetual Alms to any late Houses of Religion, as to an Abbot and Covent, or to the Warden or Master of any Hospital, and his Covent, to find certain poor Men, and do other Divine Service; if they alien the Land, then the Donor or his Heirs shall have the said Writ to recover the Lands. But this Writ shall be always brought against the Abbot, or his Successor, and not against the Alienec, altho' he be Tenant; but in all other Actions, where a Man demands Freehold, the Writ shall be brought against the Tenant of the Land. This is founded upon the *Stat. of Westm. 2. c. 1.* And of this see *Reg. Orig. f. 238.* and *F. N. B. fol. 210.*

**Contra formam Feoffamenti**, Is a Writ that lies for the Heir of a Tenant, infeoffed of certain Lands or Tenements, by Charter of Feoffment of a Lord, to make certain Services and Suits to his Court, and is afterwards distrained for more than is contained in the said Charter. *Reg. Orig. f. 176. Old Nat. Brev. 162.* This Writ lies not for the Plaintiff, who claims by Purchase from the first Feoffee, but for the Heir to the first Feoffee.

**Contramandatio Placiti**. In *Leg. H. 8. c. 59.* It seems to signify a Respite or Giving the Defendant further Time to answer: An Imparlance or Countermanding what was formerly ordered.

**Contramandatum** is a lawful Excuse which the Defendant by his Attorney alledgeth for himself, to shew that the Plaintiff hath no Cause to complain. *Si dies placiti sit Contramandatus. Leges H. 1. c. 59.*

**Contrapositio**, a Plea or Answer. *Si quis in placito per justitiam posito sui vel suorum causam injustis Conterminationibus vel Contrapositionibus differet, hanc perdat. Leg. H. 1. c. 34.*

**Contrariens**. *Thomas Earl of Lancaster*, taking Part with the Barons against King Edward the Second, it was not thought fit in respect of their Power, to call them Rebels or Traitors, but *Contrariens*: And accordingly we have a Record of those Times, called *Rotulus Contrarietatum*.

**Contratenere**, To with hold. *Si quis de imas contratenear. Leg. Alfredi apud Brompton, cap. 9.*

**Contribules**, (*Contribunales*), Kindred, or Cousins. *Si quisquam cognationis sue firmet eum posses, reus sit omnium que habebit erga Regem, & portet fadum erga contribunales mortui*; that is, Let him be accounted as an Enemy to the Kindred of the dead Man. *Lamb. pag. 75.*

**Contributione facienda**, Is a Writ that lieth where more are bound to one Thing, and yet one is put to the Burden. *Fitz. Nat. Brev. fol. 162.* bringeth these Examples, If Joint-Tenants, or Tenants in Common, hold a Mill pro indiviso, and equally take the Profits thereof, the Mill falling to decay, and one or more of them refusing to contribute towards the Reparation, the rest shall have this Writ to compel them. And if there be three Coparceners of Land that owe Suit to the Lord's Court, and the Eldest perform the Whole, then may she have this Writ to compel the other two to a Contribution of the Charge, or to one of them, if one only refuse. The *Old Nat. Brev.* frameth this Writ to a Cafe, where one only Suit is required for Land, and that Land being sold to divers, Suit is required of them all, or some of them by distress, as intirely as if all were still in one, *fol. 103.* See *Reg. Orig. fol. 176.*

**Controller**, *Contravotulator*, cometh of the French *Contrerouleur*, *Antigraphus*, which in Rome was us'd for him, *Cui id muneris injunctum erat, ut observet pecuniam, quam in usum Principis vel Civitatis collegerant exactores.* Budæus in Annot. prio. in Pand. *Tit. De Quaestoris Officio.* In England we have divers Officers of this Name, as *Controller of the King's House*, *Staundf. pl. cor. f. 52. & 6 H. 4. 3.* *Controller of the King's Navy*, *35 El. cap. 4.* *Controller of the Customs*, *Crompt. Jurisd. f. 105.* *Controller of Calais*, *21 R. 2. cap. 18.* *Controller of the Mint*, *2 H. 6. 12.* *Controller of the Castle of Chester.* *Controller of North Wales.* *Controller of the Excise,* &c.

**Controller of the Hamper**, who is an Officer in the Chancery, daily attending in Term-Time on the Lord Chancellor, or Lord Keeper, to take all Things sealed from the Clerk of the Hamper, to note the just Number and Effect of all Things so received, and to enter the same into a special Book, with all the Duties appertaining to his Majesty, and other Officers for the same, and so chargeth the Clerk of the Hamper thereof.

**Controller of the Pipe**, *Contravotulator Pipe*, is an Officer of the Exchequer, that writeth our Summons twice every Year to the Sheriffs, to levy the Farms and Debts of the Pipe; and also keepeth a *Contra-rollment* of the Pipe.

**Controller of the Pell**, is another Officer of the Exchequer, of which Sort there be two, viz. The two Chamberlains Clerks, that do, or should keep a *Controllment* of the Pell of Receipts and Goings out. See *Fleta, lib. 1. cap. 18.* and *12 E. 3. ca. 3.* who say, This Officer was originally one that took Notes of any other Officer's Accounts of Receipts, to the Intent to discover him, if he dealt amiss; and was ordained for the Prince's better Security, however the same since may be in some Things otherwise apply'd.

**Controvoz**, French *Controveur*, He that of his own Head devises or invents false or feigned News. *2 Inst. f. 227.*

**Conbenable**, Fr. Agreeable, Suitable, Convenient, or Fitting. *Anno 27 Ed. 3. Stat. 2. c. 21. and 2 H. 6. c. 2. See Covenable.*

**Cobennos Insula**, Convey at the Mouth of the Thames.

**Conbenticle**, (*Conbenticulum*), a little private Assembly or Meeting for the Exercise of Religion; first attributed in Disgrace to the Schools of Wickliff in this Nation, above 200 Years since, and now applied to the illegal Meetings of the Non-conformists, and is mentioned in the Stat. 2 H. 4. c. 15. 1 H. 6. c. 3. 16 Car. 2. c. 4. & 22 ejusdem, cap. 1.

**Conventio** is a Word much used both in ancient and modern Law-Pleadings for an Agreement or Covenant. For Example take this pleasant Record:

*Ex libro Rotulorum Curia Manerii de Hatfield (juxta Insulam de Axholme) in Com. Ebor.*

Curia tenta apud Hatfield die Mercurii prox. post Festum — Ann. xi. Ed. 3.

**R**oberthus de Roderham qui optulit se versus Johannem de Ithen de eo quod non teneat Conventionem inter eos factam, & unde queritur, quod certo die & anno apud Thorne convenit inter predictum Robertum & Johannem, quod predictus Johannes vendidit predicto Roberto Diabolum ligatum in quodam ligamine proiii. ob. & super eo predictus Robertus tradidit predicto Jonanni quoddam obolum-carles (i. Earnest-Money) per quod proprietates dicti Diaboli commoratur in persona dicti Roberti ad habendam deliberationem dicti Diaboli, infra quartam diem prox. sequent. Ad quam diem idem Robertus venit ad praesentum Johannem, & petit deliberationem dicti Diaboli, secundum Conventionem inter eos factam; idem Johannes predictum Diabolum deliberare noluit, nec adhuc vult, &c. ad grave dampnum ipsius Roberti lx s. Et inde producit festam, &c. Et predictus Johannes venit, &c. & non dedit Conventionem predictam. Et quia videtur Curia quod tale placitum non jacet inter Christianos, Ideo partes predicti adjournantur usque in Infernum, ad audiendum judicium suum, & utraque pars in misericordia, &c. Per Wilhelmum de Scargell Seneschallum.

**Convention**, Is a Writ that lieth for any Covenant in Writing not performed. *Reg. Orig. fol. 185. Old Nat. Brev. fol. 101. Fitzherbert calls it A Writ of Covenant. Nat. Brev. f. 145. where he divideth Covenants into Personal and Real, making a large Discourse of them both; as also how this Writ lieth for both.*

**Conventuales**, Are religious Persons united together in a Covent, or House of Religion. See Fryer Observant.

**Conventual Church**. See Parish.

**Conversos**. The Jews here in England were formerly called *Conversos*, viz. because they were converted to the Christian Religion. Henry III. built an House for them in London, and allowed them a competent Provision or Subsistence for their Lives; and this House was called *Domus Conversorum*. 'Tis mentioned by our Historians Matt. Paris. and Matt. Westm. Anno 1244. But by Reason of the vast Expences of the Wars, and the Increase of these Converts, they became a Burthen to the Crown; and therefore they were placed in Abbies and Monasteries for their Support and Maintenance. But the Jews being af-

terwards banished, Edward III. in the fifty-first Year of his Reign, gave this House for the Keeping of the Rolls; and 'tis the same which is at this Time enjoy'd by the Master of the Rolls.

**Convicanus**, i. e. one of the same Street or Parish. *Populus autem istic vadit ad conditum Episcopi, quo & ceteri ejus Convicanei vadunt.*

**Convict**, *Convictus*, Is he that is found guilty of an Offence by Verdict of the Jury. *Staundf. pl. cor. f. 186. Yet Crompton out of Dyer, fol. 275. saith, That Conviction is, either when a Man is outlawed, or appeareth and confesseth, or else is found guilty by the Inquest. Crompt. Just. of Peace, f. 9. a. Conviction and Attainder are often confounded. See Attaint and Attainted.*

**Convict Recusant**, Is one that hath been legally presented, indicted, and *Convict* for refusing to come to Church to hear the Common Prayer, according to the several Statutes of 1 El. 2. 23 El. 1. and 3 Jac. 4. This Term is generally given to Papists, tho' any other refusing to come to Church in like Manner, are as properly *Recusants*. See Fury.

**Convivium** signifies the same Thing amongst the Laity, as *procuratio* doth amongst the Clergy; i. e. when the Tenant, by reason of his Tenure, is bound to provide Meat and Drink for his Lord once or oftner in the Year. *Potentibus vero non causa convivandi sed pro Monasterii utilitate quoties expedierit, obviandi intra infraque Monasterium licentiam habent. Selden in Eadmer. p. 150.*

**Convocation** (*Convocatio*) is the Assembly of all the Clergy to consult of Ecclesiastical Matters in Time of Parliament: And as there are two Houses of Parliament, so are there two Houses of Convocation; the one called the *Higher Convocation-House*, where all the Archbishops and Bishops sit severally by themselves; the other *The Lower Convocation-House*, where all the rest of the Clergy sit; that is, all the Deans and Archdeacons, one Proctor for every Chapter, and two Proctors for all the Clergy of each Diocese: In all 166 Persons. Anno 25 H. 8. c. 19. See Prolocutor.

**Conus**, Coin. *Eos etiam qui Conos faciunt in occultis & vendunt falsariis pro pecunia. Leg. Ethelredi, cap. 36.*

**Conusance**. See *Cognisance*.

**Conusant**, Knowing or understanding; as, if the Son be conusant, and agree to the Feoffment, &c. *Co. on Lit. f. 159. b.*

**Conusoz**. See *Cognizoz*.

**Conwep**. See *Conovius*.

**Coopertio Arborum**, The Bark of Trees. — *Debent habere retro panagium a Festo Sancti Martini, usque ad Festum Purificationis Beatae Mariae, & omnes coopertiones de maeremio prostrato, (i. e. all the Bark of Timber-Trees felled) ad opus Domini Regis. Blount of Tenures, pa. 189. who by Mistake renders Coopertiones Coverings or Crops of Timber. The same Word occurs in the Additaments to Matthew Paris. — Inquiratur qui ceperint coopertiones, ceppagia & escaetas quercuum, five aliarum arborum (i. e. the Barks, the Chumps, and the broken Wood) though Dr. Watts, in his Glossary, does unhappily interpret Coopertiones to be the Heads and Boughs of Trees. And the Elaborate Du Fresne is as much in the Dark for the Sense of this Word. Quercus discooperta, is an Oak debark'd.*

Cooper-

**Coopertorium**, i. e. Culmen. *Concessi eisdem fragum, focalia, & Coopertia sufficientia in omnibus mariscis & communibus villis.* Monast. 2 Tom. pag. 813.

**Coopertorium Pellium.** — In Pellaria sunt *Pelles & Coopertorium, una Pellis ovina siqua datur concreata valet i. den. ob.* — unum Coopertorium Pellium ovium quod grangiis liberatur valet xii. den. Regulæ compoti Domus de Farendon. MS.

**Coopertorium ad lectum**, A Blanket, a Coverlet. — *Inter consuetudines Abbatia Glastoniensis, — habere debet in Cœna Domini unusquisque diurnales sotulares, & in hieme nocturnales, & duo coopertoria ad lectum.* Cartular Abbat. Glaston. MS. f. 10.

**Coopertura**, a Thicket or Covert of Wood. *Charta de Foresta, cap. 12. Equus Coopertus*, a Horse covered or harnessed.

**Coparceners**, *Participes*, are otherwise called *Parceners*, and in Common Law are such as have equal Portion in the Inheritance of their Ancestor; and as *Littleton* in the Beginning of his third Book saith, *Parceners* be either by Law, or by Custom: *Parceners by Law*, are the Issue Female, which (no Heir Male being) come in Equality to the Lands of their Ancestors. *Bro. lib. 2. cap. 30. Parceners by Custom*, are those that by Custom of the Country challenge equal Part in such Lands; as in *Kent*, by the Custom called *Gavelkind*. This among the *Feudists* is called *Adequatio*, *Hol. in verbis Feud. verb. Adequatio*. Of these you may see in *Littleton* at large, in his first and second Chapters of his third Book. And *Britton*, c. 27. intituled, *De Heritage divisibile*. The Crown of England is not subject to *Coparcenary*. 25 H. 8. cap. 22.

**Cope**, By *Domesday-Book*, as Mr. *Agar* hath interpreted it, signifies a Hill. It denotes also, according to Mr. *Manlove*, in his *Treatise of the Liberty and Customs of Mints, &c.* printed 1653. a Custom or Tribute due to the Lord of the Soil, or else to the King, out of the *Lead-Mines*, in some Part of *Devonshire*: His Words are these, —

— *Egress and Regress to the King's Highway, The Miners have; and Lot and Cope they pay. The Thirteenth Dish of Ore within their Mine, To the Lord, for Lote, they pay at Measuring Time. Six-pence a Load for Cope the Lord Demands, And that is paid to th' Berghmaster's Hands, &c.*

See also Sir *John Pettus's Fodina Regales*, on this Subject.

**Copia libelli deliberanda**, Is a Writ that lieth, in Case when a Man cannot get the Copy of a Libel at the Hands of the Judge Ecclesiastical. *Reg. Orig. f. 51.*

**Coppa**, A Cock of Grass, Hay, or Corn, so divided into tithable Portions. This is the true Sense of the Word in that Passage of *Will. Thorn*, inter *X Script. col. 1820. An. 1177.* — *Pacti sunt Homines de Halmoto de Menstre in Thaneto — fruges omnes suas coppare extunc & deinceps, (i. e. to set out their Hay and Corn into Copps or Cocks) & sic per coppas omnes decimas suas ipsi & heredes sui a modo, & in aeternum legitime dare; i. e. by a just and equal Proportion of Tithing to pay the tenth Cock.* This Authority the Learned *Du Fresne* cites in voce *coppa*; but seems to understand it only of cutting down their Corn; whereas it strictly denotes the Gathering or Laying up the Corn in

*Copes* or Heaps, (as they do Barley, Oats, &c. not bound up) that it might be the more fairly and justly tithed. In *Kent* they still retain the Word *A Cap of Hay, A Cap of Pease, A Cap of Straw.*

**Copire domum**, To cope a House, or to lay on the Roof, and Covering on the Top of it. — *Johanni Bunbury regulatori, capienti in gressu ad coppiendam predictam domum, i. lib. 1. den. Paroch. Antiq. pag. 575.* From the Sax. *Coppe*, the Height or Top of a Thing; *Cop*, the Head or Crown, &c. all from the Brit. *Koppa*, the Top or Highest Part. Hence the *Cope*, or supreme Cover; as in the Proverb, *Under the Cope of Heaven*. A *Cope*, or upper Garment, as the outer Vest of a Priest; and in *Chaucer*, *Cope* is used for a Cloak.

**Copy**, *Copia*, Is according to the French *Le double de quelque escripture*, and signifies in a legal Sense the Example or Transcript of an original Writing; as the *Copy* of a Charter, the *Copy* of a Court-Roll, &c.

**Copyhold**, *Tenura per Copiam Rotuli Curie*, Is a Tenure for which the Tenant hath nothing to shew but the Copy of the Rolls made by the Steward of his Lord's Court; for the Steward, as he enrolleth and maketh Remembrances of all other Things done in the Lord's Court; so he doth also of such Tenants as be admitted in the Court, to any Parcel of Land or Tenement belonging to the Manor; and the Transcript of this is called *The Copy of the Court-Roll*, which is all the Tenant taketh from him, and keeps as his only Evidence. *Co. lib. 4. f. 25. b.* This Tenure is called *A Base Tenure*, because he holdeth at the Will of the Lord, *Kitchin, f. 80. cap. Copyholds, F. N. B. f. 12.* where 'tis said, That it is wont to be called *Tenure in Villenage*, and that of *Copyhold* is but a new Name: yet it is not simply at the Will of the Lord, but according to the Custom of the Manor: So that if a *Copyholder* break not the Custom of the Manor, and thereby forfeit his Tenure, he seemeth not so much to stand at the Lord's Courtesy for his Right, that he may be displaced at his Pleasure. These Customs of Manors be infinite, varying in one Point or other almost in every several Manor: First, Some *Copyholds* are *fineable* at Will, and some certain: That which is *fineable* at Will, the Lord taketh at his Pleasure; but if it exceed two Years Revenue, the *Chancery*, *King's Bench*, *Common Pleas*, or *Exchequer*, may reduce them to Reason. That which is *certain*, is a Kind of Inheritance, and called in many Places *Customary*, because the Tenant dying, and the *Hold* being void, the next of Blood, paying the *Customary Fine*, as two Shillings for an Acre, or such like, may not be deny'd his Admission. Secondly, Some *Copyholders* have by Custom, the Wood growing upon their own Land, which by Law they could not have. *Kitchin, ubi supra.* Thirdly, *Copyholders*, some be such as hold by the *Verge* in ancient *Demesne*; and altho' they hold by *Copy*, yet are they in Account a Kind of *Freeholders*; for if such a one commit Felony, the King hath *Annum, Diem & Vestrum*, as in case of *Freehold*. Some other hold by *Common Tenure*, called *Meer Copyhold*, and they committing Felony, their Land escheateth to the Lord of the Manor. *Kitchin, f. 81. chap. Tenant per verge in ancient Demesne.* What Ancient *Demesne* is, see in the proper Place. See *Tenant by Copy of Court-Roll*. This is the Land that in the Saxons Times was called *Folk-land*. *Lamb. Explication of*

**Saxon Words, verbo Terra ex scripto.** *West. Symb. part. 1. lib. 2. sect. 646.* defines a Copyholder thus; Tenant by Copy of Court-Roll, is he which is admitted a Tenant of any Lands or Tenements within a Manor, that, Time out of Mind, by Use and Custom of the Manor, have been demisable, and demised to such as will take the same in Fee, or Fee-tail, for Life, Years, or at Will, according to the Custom of the Manor; by Copy of Court-Roll of the said Manor, where you may read more of these Things.

**Cozacle,** A small Boat, used by the Fishermen upon the River Severn, near Rossal in Shropshire; of a Form almost oval, made of split Sallow Twigs interwoven, and on that Part next the Water covered with Leather, or Horse-hide, (the true British Fashion) in which one Man, being seated in the Middle, will row himself swiftly with one Hand, while with the other he manages his Net or Fish-Tackle: And coming off the Water, will take the light Vessel on his Back, and carry it Home.

**Cozaage,** Is an Imposition extraordinary, growing upon some unusual Occasion, and seems to be of certain Measures of Corn. *Bratt. lib. 2. cap. 16. num. 6.* uses *Corus tritici*, for a Measure of Corn; and in the same Chapter, *num. 8.* hath these Words. *Sunt enim quedam communes, &c.* In English thus, There are certain common Prestations, which are not called Services, neither do they arise from Custom, unless some necessary Occasion happen, or that the King comes. Such are Hidage, Cozaage, and Carvage, and many others, which are performed in Cases of Necessity, by the common Consent of the whole Kingdom, and which appertain not to the Lord of the Fee; nor is he bound to acquit his Tenant thereof, unless he hath especially ty'd himself thereto by his own Deed.

**Coram non Judice,** Is when a Cause is brought in a Court, whereof the Judges have not any Jurisdiction; there it is said to be *Coram non Judice*. *Croke 2. par. f. 351. Powel's Case.*

**Corbel-stones, Corbelli, Corbels, Corbets.** They seem to be the same with what Dr. Skinner calls *Corbels*, and from some Authority, expounds them to be *Stones whereon Images stand*. The old English *Corbel* and *Corbettel*, was properly a Nich in the Wall of a Church, or other Structure, in which an Image was placed for Ornament, or Superstition; and the *Corbel-stones* were the smooth and polished *Stones*, laid for the Front and Out-side of the *Corbels*, or Niches. These Niches remain on the Out-side of very many Churches and Steeples in England, though the little Statutes and Reliques of Foppery, are most of them broken down—*& in solutis Johanni Chepyn Latio aptanti & facienti xviii. Corbel-stonys, ponendis in predicto muro. v. fol. iv. den.* See Mr. Kenne's Paroch. 575. and Glossary, in voce *Corbel-stones*.

*Licebit predictis Abbati & Conventui, si sibi placuerit in principio fabrica ejusdem muri Corbellos sumptibus eorum propriis in eodem instruere, sed postquam constructus fuerit, nequaquam aliquos Corbellos facient, nec aliquis eorum faciet—Cart. 50. Edw. III. inter Munimenta Hospitalis SS. Trin. in Pontefracto. MS.*

**Cozd of Wood** ought to be eight Foot long, four Foot broad, and four Foot high by Statute.

**Cozdage,** Is generally applied to all Stuff for the making of Ropes, and also to all kind of Ropes belonging to the Rigging of Ships, mentioned 15 Car. 2. c. 13. *Seaman's Dictionary.*

**Cordeletta Roba.**—*Ad Comitatum tentum apud Lestroythiel Com. Cornub. An. regni Regis Ed. fil. Reg. Ed. secundo, Mageria qua fuit uxor Walteri de Treverbyn, appellat Thomam Geveil, Rogerum de Tyndal, &c. quod ipsam spoliaverint de una cordeletta roba pro muliere mixta, & uno firmaculo aureo, &c. Liber Placitorum temp. Ed. I. & Ed. II. MS. penes Dom. Fountaines.*

**Cordewan,** Skins of Leather, dressed at Corduba in Spain, and imported hither for the Use formerly of Boots and other Calceature, and now chiefly for Gloves. — *Nec solutares de Cordewan ab aliquo accipiant—Stat. Ordinis Semplingham; p. 783.—Calceamenta qua de vili corio, quod vulgariter Bazan dicitur, imbutam, id est, Cordewan, civiliter commutavit. Mat. Paris. in Vit. Abbatum St. Albani. Hence*

**Cordeubanarius,** French *Cordouannier, Cordonnier*, a Shoe-maker. — *De illa Selda cum pertinentiis quam Walterus Cordubanarius de me tenuit. Cartular. Abbatie de Radinges. MS. f. 31. a.*

**Cozdiner,** Cometh of the French *Cordouannier*, i. e. *Sutor calcearius*, A Shoe-maker, (we call him vulgarly a *Cordwainer*) and is so used, in divers Statutes, as *An. 3 H. 8. c. 10. & An. 5 H. 8. c. 7.* and others.

**Coretes,** Pools, Ponds, &c. — *Constituerunt ei Episcopalem Sedem—apud pagum Landaff, totum infra Tas & Elei, cum piscibus & coretibus suis omnibus, & cum omni sua dignitate. Histor. Eccles. Landaven. apud Whartoni Angl. Sacr. P. 1. pag. 667. From the British Cored. Et cum corporibus suis ad sepulturam suam in Eleemosyna, & cum suis piscibus & Coretibus anguillarum & cum toto territorio suo. Du Fresne.*

**Cozinum,** Cirencester in Gloucestershire.

**Coziscus,** for *Codiscus*, a little Book.

**Cozitani,** Northampton, Leiceſter, Rutland, Lincoln, Nottingham, and Derby Shires.

**Cozum froisfacere,** i. e. *Condemned to be whipp'd*; which was the Punishment of a Servant. *Si quis Corium suum forisfaciat & ad Ecclesiam incurrat, sit ei verberatio condonata. Corium perdere, the same. Corio carere, the same. Corium redimere, to compound for a Whipping. Corio componere, to be whipp'd.*

**Coznage, Cornagium,** from the Lat. *Cornu*; and in our Common Law signifies a Kind of *Grand Serjeanty*: The Service of which Tenure is to blow a Horn, when any Invasion of the Northern Enemy is perceived. And by this many Men hold their Land Northward, about the Wall, commonly called, *The Pitt's Wall. Cambd. Brit. pa. 609. and Littoton, f. 65.* But by the Stat. 12 Car. 2. c. 24. all Tenures are turned into Fee and Common Socage. *Co. on Lit. f. 107. saith, That in old Books it is called. Horne-geld, sed quare. See Horn-geld. 2 Inst. f. 9.* This old Service of *Horn-blowing* was afterwards pay'd in Money, and the Sheriff in his Accounts computed for it, under the Title of *Cornagium. Memorand. quod cum Vicecomes Cambrie sederet compotum ad Scaccarium apud Salop, idem Vicecomes fecit tallagiam sub nomine suo lx. lib. tam de Cornagio, quam de aliis debitis. Mem. in Scacc. 6 E. 1.*

**Coznare,** To blow in the Horn. *Faciat Cornare ne videatur furtive facere. Mat. Paris. p. 181.*

**Coznabi,** Warwick, Worcester, Staffordshire, and Cheshire.

**Cozner-Tile:** See *Gutter-Tile.*



**Cornu**, a Drinking-horn. *Et Cornu mensæ ut senes monasterii bibant inde in festis Sautorum.* Du Cange. Sometimes it signifies an Ink-horn. *Ipsò Domino Radulfo testante qui tenuit Cornu dum scriptor notavit, &c.* Mon. 1 Tom. pag. 559.

**Cornwall**, the Cape. See *Antivestum*.

**Corody**, *Corodium*, Signifies in the Common Law a Sum of Money, or Allowance of Meat, Drink and Cloathing, due to the King from an Abbey, or other House of Religion, whereof he is the Founder, towards the reasonable Sustainance of such a one of his Servants, being put to his Pension, as he thinketh good to bestow it on. And the Difference between a *Corody* and a *Pension* seemeth to be, That a *Corody* is allowed towards the Maintenance of any of the King's Servants that liveth in the Abbey; a *Pension* is given to one of the King's Chaplains, for his better Maintenance in the King's Service, until he may be better provided of a Benefice. Of both these, read *F. N. B. f. 230, 231, 233.* who there setteth down all the *Corodies* and *Pensions* certain, that any Abbey, when they stood, was bound to perform unto the King. There is Mention also of a *Corody*, in *Staundf. Prærog. 44.* And this appears an ancient Law; for in *West. 2. cap. 25.* it was ordained, That an Assise shall lie for a *Corody*: It is also apparent in the Statute 34 & 35 H. 8. cap. 26. That *Corodies* belonged sometimes to Bishops from Monasteries. And by the *New Terms of the Law*, That a *Corody* may be due to a Common Person, by Grant from one to another, or of Common Right, to him that is a Founder of a Religious House, not holden in *Frank-Almoine*, for that Tenure was discharged of all *Corodies* in it self: By which Book it appeareth also, That a *Corody* is either certain, or uncertain, and that it may be for Life, for Years, in Tail, or in Fee. See *Termes de la Ley*.

*Corody* seems to be ancient in our Laws; for in *Westm. 2. c. 5.* it is ordained that an Assise shall lie for a *Corody*. It is also apparent by the Statute 34 & 35 H. 8. c. 26. that *Corodies* belonged sometimes to Bishops and Noblemen from Monasteries. Tenure in *Frankalmoin* was a Discharge of all *Corodies* in it self. Stat. 1 E. 3. ca. 10. Sec 2 Part, *Inst. f. 630.*

**Sciāt**—quod nos Radulphus Abbas Monasterii St. Johannis de Haghmon & ejusdem loci Conventus. ad instantiam & speciale rogatum excellentissimi & reverendissimi Domini nostri Thomæ Comitis Arundeliæ & Surreiæ, Dedimus—Roberto Lee unum Corrodium pro termino vite sue, essendo cum Abbate Monasterii prædicti Armigerum, cum uno Garcione & duobus equis; capiendū ibidem esulenta & peculenta sufficientia pro seipso, sicut Armigeri Abbatis, qui pro tempore fuerint, capiunt & percipiunt; & pro Garcione suo, sicut Garciones Abbatis & Armigerorum suorum capiunt & percipiunt; capiendū etiam pro equis suis sœnum & præbendam. — Et quod idem Robertus habeat vesturam Armigerorum, &c. Dat. 3 H. 5. Mon. Angl. 2 par. f. 933. a.

**Corodio habendo**, Is a Writ, whereby to exact a *Corody*, of an Abbey, or Religious House. See *Corody*; see also *Reg. Orig. fol. 264.*

**Cozona mala**, or **Mala cozona**. The Clergy were formerly so called, who abused their Character. *Radulphus cognomento Clericus quia copiose literatus fuit, & Mala Corona quia militaribus exercitiis inserviens.* Willus Gemel. lib. 7. c. 10.

**Cozona Clericalis**. See *Coif*.

**Coronare filios**. The old Villains, or those who held in Villenage, were forbid *Coronare filios*, i. e. to make their Sons Priests, to let them be ordained; because Ordination changed their Condition, and gave them Liberty to the Prejudice of the Lord, who could before claim them as his Natives, or born Servants.—*Homo Coronatus*, was one who had received the first *Tonsure*, as preparatory to superior Orders. *Injustum mihi videbatur illa tam sancta loca in quibus nutritus, & coronatus fueram, atque ad ultimum ordinatus, relinquere.* Asser. de rebus gestis Alfredi. p. 14. The *Tonsure* was in Form of a *Corona*, or Crown of Thorns. — Wilfridus—*Tonsuræ formulam in modum coronæ spinæ, caput Christi cingentis, ab Archiepiscopo suscepit.* Eddius in Vita Wilfrid. cap. 6.

**Coronatore eligendo**, Is a Writ, which, after the Death or Discharge of any *Coroner*, is directed to the Sheriff out of the *Chancery*, to call together the Freeholders of the County, for the Choice of a new *Coroner*, and to certify into the *Chancery*, both the Election and Name of the Party elected, and to give him his Oath. See *West. 2. cap. 10.* and *F. N. B. fol. 163.* and *Reg. Orig. fol. 177.*

**Coroner**, (*Coronator*, a *Corona*) is an ancient Officer of this Land, (for Mention is made of his Office in King *Atbelstan's* Charter to *Beverley*, an. 925). and is so called, because he deals wholly for the King and Crown. There are four of them commonly in every County, in some fewer, and in some Counties but one: They are chosen by the Freeholders of the same by the King's Writ, and not made by Letters Patent. *Crompt. Jurisd. f. 126.* This Officer, by the Statute of *Westm. c. 10.* ought to be a sufficient Person, that is, the most wise and discreet Knight that best would and might attend upon such an Office. There is a Writ in the *Regist. Nisi sit Miles, f. 177. b.* whereby it appears it was sufficient Cause to remove a *Coroner* chosen, if he were not a Knight, and had not an Hundred Shillings Rent of Freehold. The Lord Chief Justice of the King's Bench is the Sovereign *Coroner* of the whole Realm in Person, i. e. wheresoever he is. *Lib. Assisarum, f. 49.* Coke, lib. 4. *Case of Wardens, &c. of the Sadlers, f. 57. b.* The Office of a *Coroner* especially concerns the Pleas of the Crown: But what anciently belonged to him, read at large in *Bracton, lib. 3. tract. 2. cap. 5, 6, 7, & 8.* Briton, ca. 1. *Fleta, lib. 1. ca. 18.* and *Horn's Mirror, lib. 1. cap. del Office del Coroners.* But more aptly for the present Times, *Staundf. Pl. Cor. lib. 1. cap. 51.*

There are also certain special *Coroners* within divers Liberties, as well as those ordinary Officers in every County; as the *Coroner of the Verge*, which is a certain Compass about the King's Court, whom *Crompt.* in his *Jurisd. f. 102.* calls *The Coroner of the King's House*; of whose Authority, see *Coke's Rep. lib. 4. f. 46.* By certain Charters belonging to some Colleges and Corporations, they are licenced to appoint their *Coroner* within their own Precincts. Of this Office, see

also 4 *Inst.* fol. 271. *Smith de Rep. Angl. lib. 2. cap. 21.* and *Lamb. Eiren. cap. 3. pag. 380.* And of the *Coroner's Office* in *Scotland*, read *Skene, verbo Iler.*

**Corporal Oath.** See *Oath.*

**Corporation, (Corporatio,)** a Body Politick, or a Body Incorporate; so called, because the Persons are made into a Body, and of Capacity to take and grant, &c. And this Body Politick or Incorporate may commence and be established three Manner of Ways, viz. by Prescription, by Letters Patent, or by Act of Parliament. Every Body Politick or Corporate is either Ecclesiastical or Lay: Ecclesiastical is either Regular, as Abbots Priors, &c. or Secular, as Bishops, Deans, Archdeacons, Parsons, Vicars, &c. Lay, as Mayor, Commonalty, Bailiff, and Burgesles, &c. Also every Body Politick or Corporate is either elective, presentative, collative, or donative. And again, it is either sole or aggregate of many, which last is by the Civilians called *Collegium* or *Universitas*. *Coke on Litt. f. 250.* and 3 *Inst. f. 202.*

**Corporation Spiritual**, and of dead Persons in the Law, Is where the Corporations consist of an Abbot, and Covent, which had Beginning of the King and the Pope, when he had to do here; *Corporation Spiritual, and of able Persons in Law*, is where it consists of a Dean and Chapter, a Master of a College or Hospital; and this had Beginning from the King only.

**Corporation Temporal** by the King, is where there is a Mayor and Commonalty. *Corporation Temporal* by Authority of the Common Law, is the Parliament, consisting of the King the Head; the Lords *Spiritual* and *Temporal*, and *Commons*, the Body.

If Land be given to a Mayor and Commonalty for their Lives, they have an Estate by Intendment, not determinable: So it is, if a Feoffment be made of Land to a Dean and Chapter, without Mention of Successors. Release of a Mayor for any Sum of Money due to the Corporation in his own Name, is not good in Law, in case of a sole Corporation, as Bishop, Parson, Vicar, Master of Hospital, &c. No Chattel either in Action or Possession shall go in Succession; but the Executors or Administrators of the Bishop, Parson, &c. shall have them; but otherwise it is in case of a Corporation aggregate, as a Dean and Chapter, Mayor and Commonalty, and such like; for they, in Judgment of the Law, never die. Yet the Case of the Chamberlain of London, differs from all these; for his Successor may, in his own Name, have Execution of a Recognisance acknowledged to his Predecessor, for *Orphanage-money*; and the Reason is, because in this Case the Corporation of the Chamberlain is by Custom, which hath enabled the Successor to take such Recognisances, Obligations, &c. that are made to his Predecessor. And this Custom is founded upon great Reason; for the Executors or Administrators of the Chamberlain, ought not to intermeddle with such Recognisances, &c. which by the said Custom are taken in the Corporate Capacity of the Chamberlain, and not in his private.

**Corpus Christi Day** (being always on the next Thursday after Trinity-Sunday) is a Feast instituted in the Year 1264, in Honour of the Blessed Sacrament: To which also a College in Oxford is dedicated. It is mentioned in 32 H. 8. c. 21. By which Statute Trinity-Term is appointed for ever to begin the Morrow after this Feast.

**Corpus cum causa**, Is a Writ issuing out of the Chancery, to remove both the Body and the Record, touching the Cause of any Man lying in Execution upon a Judgment for Debt, into the King's Bench, &c. there to lie until he have satisfied the Judgment. *Fitz. Nat. Brev. f. 251. e.*

**Correktor of the Staple**, Is a Clerk belonging to the Staple, which writeth and recordeth the Bargains of Merchants there made. 27 Ed. 3. Stat. 2. cap. 22 & 23. The Romans called them *Mensarios*.

**Corredium & Concrecium**, the same with *Corrodium*. See *Corody*. — *Et decimam totius Concrecii mei.* Mon. Angl. 1 Vol. f. 587. a.

**Corrody.** See *Corody*.

**Corruption of Blood**; (*Corruptio Sanguinis*) Is an Infection growing to the State of a Man attainted of Felony or Treason; for as he loseth all to the Prince, or other Lord of the Fee, as his Case is, so his Issue cannot be Heirs to him, or to any other Ancestor, of whom they might have claimed by him. And further, if he were Noble, or a Gentleman before, he and his Children are made Unnoble and Ungentile. But if the King will pardon the Offender, it will cleanse the Corruption of the Blood of those Children, which are born after the Pardon, and they may inherit the Land of their Ancestor purchased at the Time of the Pardon, or afterwards, but so cannot they who were born before the Pardon. But there are divers Limitations even in Treason, made by Statutes which save Corruption of Blood, though a Man be attainted. 27 Ed. 3. cap. 77. 13 H. 7. cap. 17. 5 Eliz. cap. 1. 11. 18 El. ca. 1. 6. 14. 31 Eliz. cap. 4. 1 Mar. cap. 12. 1 Jac. cap. 12.

**Corselet**, Is a French Word, signifying a little Body, in Lat. *Corpusculum*; we generally use it for an Armour to cover the whole Body, 4 & 5 P. & M. cap. 2. wherewith Pikemen, commonly set in the Front and Flanks of the Battle, are armed, for the better Resistance of the Enemies Assaults, and the surer Guard of the Gunners placed behind, who were more slightly armed for their speedier advancing and retreating to Fire. See *Barret's Discourse of War*, lib. 3. Dialog. 2.

**Corfned Bread** (from the Sax. *Cors*, Execration and *Nedde*, compulsion) was a Kind of superstitious Trial used by our Saxons, by a Piece of Barley-Bread, first execrated by the Priest, and then offered to the suspected guilty Person, to be swallowed in Way of Purgation: For they believed a Person, if guilty, could not possibly swallow a Morfel so accursed; or if he did, it would choak him. The Form was thus: *We beseech thee, O Lord, that he who is guilty of this Theft, when the execrised Bread is offered to him in order to discover the Truth, that his Fauws may be shut, his Throat so narrow that he may not swallow, and that he may cast it out of his Mouth, and not eat it.* Du Cange. These Pieces of Bread were consecrated or devoted by the Priest, to such religious Uses, of which the old Form, or *Exorcismus panis hordeacei vel casei ad Probationem veri*, is extant in *Lindenbrogius*, p. 107. In the Laws of King Canute, c. 6. *Si quis altari ministrantium accusetur, & amicis destitutus sit. cum Sacramentales non habeat, vadat ad Judicium quod Anglice dicitur Corfned, & fiat sicut Deus velit, nisi super sanctum Corpus Domini permittatur, ut se purget.* From which, and some other Authorities, I am apt to think that this Corfned

was at first the very Sacramental Bread, consecrated and received with solemn Adjuration, and with devout Expectance it would prove mortal to those who had dared to swallow it with a Lie in their Mouth: Presuming on the continued Judgment of Sickness and Death to unworthy Receivers, mentioned by the Apostle, 1 Cor. 11. 29, 30. till possibly the Bishops and Clergy, vere afraid to prostitute the Communion Bread (especially when *Transubstantiation* required the more profound Respect) to such rash and conceited Uses: But however to indulge the People to their superstitious Fancies, and beloved Customs, they did allow them to practise the same judicial Rite, in eating some other Morsels of Bread, or Cheese, blest or curst to the like Uses. There is a famous Story of the perfidious Godwyn Earl of Kent, in the Time of *Edw. Confess.* who abjuring the Death or Murder of the King's Brother, did appeal at last to his *Corsned*, or imprecated Bread, which as a just Judgment of his solemn Perjury, stuck in his Throat, and choked him. This Purgation Story is thus in short told by a contemporary Writer, *Inglulph.* — Cum Godwinus Comes in mensa Regis de nece sui fratris impetretur, ille post multa Sacramenta, tandem per buccellam deglutendam abjuravit & buccella gustata continuo suffocatus interiit. — This among other rude and barbarous Ways of Purgation, was often condemned and by Degrees abolished. And yet we have still some Remembrance of this horrid Custom, in some of our usual Phrases of Adjuration; as *I will take the Sacrament upon it, — May this Bread be my Poyson, — May this Bit be my last, &c.*

*Corspresent* (from the Fr. *Corps presente*, i. e. the Body presented) signifies a *Mortuary*, an. 21 H. 8. cap. 6. And the Reason why it was thus termed seems to be, that where a *Mortuary* after any Man's Death became due, the Body of the best or second Beast was, according to the Custom, offered or presented to the Priest, and carried along with the *Corps*.

**I**N nomine Patris, & Filii, & Spiritus Sancti, Ego Brianus de Brompton, Sen. Anno Domini MCCLXII. in vigilia Apostolorum Simonis & Judee onto Testamentum meum. Volo corpus meum sepeliri in Prioratu Majoris Malvernia inter Predecessores meos, & cum corpore meo Palefridum meum cum hernefio, Equum summarium, cum lecto meo, &c. In codice MS. penes Gul. Dugdale, Mil.

*Corspocitum*, *Morpeth* in Northumberland.

*Cortie*, (*Curtis*), a Court or Yard before the House.

*Cortularium*, *Certarium*, *Curtilagium*, A Yard or Court, adjoining to a Country Farm. — *Abbas Glaston. apud Ginneledon, construxit — granarium, toverium, vacarium, stabulum, columbarium, & Cortularium, cum domo, duo molendina, &c.* Cartul. Glaston. MS. f. 42.

*Cortarii*, i. e. Coblers, *Qui corio veteri utuntur, &c.* Prohibeo ut nec mercator nec institor nec permentarius nec Corvefarius, &c. volens emere vel vendere non vendat.

*Cortium*, a certain Corn-Measure heaped up, from the Hebrew *Corn*, which signifies a Hill: For eight Bushels of Wheat, in a Heap, are of the Shape of a little Hill; and probably a *Cornus* of Wheat was eight Bushels. *Deem Coros tritici sive decem quarteria.* Brañon, lib. 2. cap. 16. pag. 7.

*Cotces*, and *Coscet*, the same with *Cottage*.

*Cosduna*, the same with *Custom* or *Tribute*. *In Curia vero de Foria habere solebat quinque solidos Cosdunales in Anno.* Mon. 1 Tom. pag. 562.

*Cosenage*, *Cognatione*, Is a Writ that lies, where the *Tresayle*, (that is, *Tritavus*, the Father of the *Befayle*, or of the great Grandfather) is seized in his Demesne, as of Fee, at the Day of his Death, of certain Lands or Tenements, and dieth, and then a Stranger entreth, and abateth; for then shall his Heir have this Writ of *Cosenage*; the Form whereof, see in F. N. B. f. 221. of this, read also *Britton* at large, cap. 89. Nor is there any Affinity or Cousinage between them. Stat. 4. H. 3. cap. 8.

*Cosening*, Is an Offence unnamed, whereby any Thing is done guilefully, in or out of Contracts, which cannot be fitly termed by any special Name. *West. Symbol, part. 2 Tit. Indictments, sect. 68.* It is called in the Civil Law, *Stellionatus*, of *Stellio*, a Beast, which is *La erte genus versutissimum*, as *Cujacius* in his *Particulas* calleth it: And *Pliny*, lib. 3. c. 10. says, *Nullum animal invidet homini fraudulentius.*

*Coshering*. In the Feudal Laws, as there were many Privileges inherent by Right and Custom, so were there several other grievous Exactions imposed by the Lords, by a Sort of Prerogative or Seignioral Authority, as to lie and feast themselves and their Followers (called *Coshering*) at their Tenants Houses. Sir *Henry Spelman* of Parliament. MS.

*Cotinus*; i. e. *Clean*.

*Costard*, an Apple, whence *Costard-Monger*, i. e. a Seller of Apples. — *reddendo inde annuatim Nobis & heredibus nostris unum pomum Costard de forgabulo ad Festum S. Michaelis.* Cartular. Abb. Radings. MS. f. 916.

*Costera*, *Coast*, *Sea-Coast*. — *Per costeram maris, & partium adjacentium in Comitatu Kantia.* Ordinat. Marisc. Romney. — *Ricardum Thoney ad custodiam costerae maris in Com. Essex, per literas nostras patentes assignavimus.* Memor. in Scaccar. Pasch. 24 E. 1.

*Costrellus*, (*Costarez*), a Flagon. *Habebit de Cellerario 5 albos panes & Costrellos suos plenos Cervisiae.* Mon. 2 Tom. 550.

*Cot*, In the old Saxon signifies *Cottage*, and so still in many Places of England, as *Versfegan* testifies in his *Restitution* of decay'd Intelligences in Antiquities. It is also a Kind of refuse Wool, clung or clotted together, that it cannot be pulled asunder. Anno 13 R. 2. Stat. 1. cap. 9.

*Cotage* (*Cotagium* & *Chota*, from the Saxon *Cote*) is a House without Land belonging to it. Anno 4 Ed. 1. Stat. 1. And the Inhabitants of such *Cotages* are called *Cotagers*. By a later Statute of 31 El. c. 7. no Man may build a House, unless he lay four Acres of Land to it; so that a *Cotage* is properly any little House that hath not four Acres of Land belonging to it. — *Dedit Chotam, & quendam campum junctum huic Chotæ.* Mon. Angl. 1 par. f. 201. b.

*Cotarius*, a *Cotager*.

*Cotarii Debent talliari ad voluntatem Domini; facere servitia inerta; nihil dare, nihil vendere, nihil proprium habere, nec possunt acquirere, nisi ad promotionem Domini sui.* Ex libr. irror. Eccl. Christi Cantuar. f. 211.

**Cote, Cot, and Coat.** The Names of Places beginning or ending with these Syllables signify a little House or Cottage; from the Sax. *Cote*, i. e. *Casa*.

**Cotellus.** A small Cottage. — *Henricus Clericus tenet unum cotellum cum crosta, & reddit per annum octo denarios.* — *Consuetud. Domus de Farendon. MS.*

**Coterelli.** (Fr. *Cotereaux*) This Word is used in our Records for *Cotagers*, *quia Cotagia & Curtilagia tenebant*; but they were antiently a certain Kind of peasantly Outlaws; a Sort of straggling Thieves and Plunderers, who seem at first to be Cottagers and Country-Fellows, like the Moss-Troopers on the Borders of Scotland — *Afferentes igitur & affirmantes se cum Archiepiscopo locuturos, cum pace & pro pace intrare velle, apertis januis intraverunt capati decem super loricas, & hi Bragmanni erant & Coterelli Flandrenses conducti.* *Girald. Cambr. de vita Galfridi Archiep. Ebor. apud Whartoni Angl. Sacr. P. 2. p. 391.*

**Coterellus.** *Spelman* and *Du Fresne* make *Cotarius* and *Coterellus*, to be both servile Tenants: But I think in the *Domesday Register*, and other ancient MSS. there doth appear a Distinction, not only in their Name, but in their Tenure, and Quality. The *Cotarius* had a free Socage Tenure, and pay'd a stated Firm in Provisions or Money, with some occasional customary Service; whereas the *Coterellus* seemed to have held in meer Villenage, and had his Person and Issue, and Goods disposed at the Pleasure of his Lord. — *Edmund Earl of Cornwall, gave to the Bon-hommes of Asherugge, his Manors of Chesterton and Ambroden. — una cum Villanis, coterellis, eorum catallis, servitiis, sectis, & sequelis, & omnibus suis ubicunque pertinentibus.* *Paroch. Antiq. p. 310.*

**Coteria.** A Cot, House, or Home-stall. — *N. Prior & Capitulum Ecclesie Christi Cant. concedunt Roberto le Herdman terram suam de feodo de Wodetone, & duas coterias juxta terram Burelli, & coteriam illam que fuit quondam Alani de Staple — mense Aprili 1245. Registr. Eccl. Christi Cant. MS.*

**Cotestold.** several Sheep Cotes, and Sheep feeding on Hills: From the Sax. *Cote*, *Casa*, i. e. a Cottage, and *Wold*, a Place where there is no Wood.

**Cot-gare** is a Kind of refuse Wool, so clung or clotted together, that it cannot be pulled asunder. *An. 13 R. 2. Stat. 1. cap. 9.* where it is provided, That neither *Denizen* nor *Forreigner* make any other Refuse of Wools but *Cot-gare* and *Villein*. So the printed Statute. But in the Parliament-Roll of that Year it is *Cot-land* and *Villein*. *Cot* or *Cote* signifies as much as *Cottage* in many Places, and was so used by the Saxons, according to *Verstegan*.

**Cotland.** *Cot-sethland*, Land held by a Cottager, whether in Socage or Villenage — *Dimidia acra jacet ibidem inter Cotland, quam Johannes Goldering tenet ex una parte, & Cotland quam Tho. Webbe tenet ex altera.* — *Paroch. Antiq. p. 532. Lib. Rames. Sec. 256.* — *Dedit predictus Abbas predicto Hugoni pro tota terra qua tunc temporis a S. Benedicto idem Hugo tenebat, unam Cothsethlandam cum libero servitio in villa que dicitur Slepe, & unum Maignagium in foro ejusdem ville.* — *Cothsethlandam hic intelligo Cotæ sedem, & pradii quidpiam ad eandem pertinent.* *Spelman.* — *De una Cothlando terre in Wathford. Pat. 9. Ed. 2. par. 2. m. 2.*

**Cotlanda and Cotlandum**, the same with *Cotagium*. 'Tis mentioned in the *Monasticon*. 1 *Tom. pag. 325. Item una Virgata terra, cum dimidio unius Cotlandi, &c.*

**Cotsethla, Cotsetle**, The little Seat, or Mansion belonging to a small Farni. — *Concessi illam cotsethlam terre quam Petrus filius Jordani tenuit de me in Migeham. Cartular. Abbat. Radinges. MS. f. 53. a.* — *Ego Thomas filius Will. de Culern, dedi Deo & Ecclesie Malsbury unam Cotsetle in Culern, cum omnibus pertinentiis.* *Cartular. Malsbur. MS.*

**Cotsethus**, A Cottager, or Cottage-Holder, who by servile Tenure, was bound to work for the Lord — *As in the Services to be done by the Tenants in the Manor of Blebory, belonging to the Abbat and Convent of Rading.* — *Dicit etiam predictus Abbas, quod Henricus Boton & Agnes uxor ejus, &c. sunt Cotsethi ex quibus Antecessores eorum solebant operari quolibet die, excepto Sabbato, & diebus Festivis, a Festo S. Michaelis usque ad tempus falcationis pratorum, ab ortu Solis usque ad boram tertiam, omnimoda opera manualia, secundum quod Ballivus ejus voluerit injungere.* *Cartular. Radinge. MS. f. 221.*

**Cotseti**, (*Cotmanni*.) those who live in Cottages. *Leg. H. 1. cap. 30. Villani vero vel Cotseti vel perdingi, vel qui sunt hujusmodi viles vel inopes persone, non sunt inter Legum judices numerandi.*

**Cottum**, *Cot*, Coarse or Dag-wool, of which they made *Cotta*, or *Cottos*, i. e. coarse Blankets. Hence in making Hats, to *cotten well*, is when the Wool, &c. works well, and incorporates together — *Noveritis Nos teneri in centum saccis bona lana, & placabilis sine cot & gard, pro certa summa pecunia.* *Cartular. Rad. MS. f. 208.*

**Cotuca**, Coat-Armour. *Ad arma proflunt & milites quidem super armatura Cotucas induerant vocat. Quarteloy. Walsing. p. 114.*

**Cotuchan**, Bores or Husbandmen. *Domesday.*

**Cotcher**, or *Courcher*, signifies a Factor that continues in some Place or Country for Traffick; as formerly in *Gascoign*, for buying Wines. *Anno 37 E. 3. c. 16.* *Coucher* is also used for the General Book, in which any Religious House or Corporation register their particular A&S. *An. 3 & 4 E. 6. c. 10.*

**Covenable**, (Fr. *Convenable*.) Fit, Convenient, or Suitable. — That every of the same three Sorts of fish be good and covenable, as in old Time hath been used. *31 Ed. 3 Stat. 3. cap. 2. Plowden, f. 472. a.* *Covenably* endowed, that is endowed as is fitting. It is also written *convenable*. *27 E. 3. Stat. 2. c. 17. Plowd. f. 472. a.*

**Covenant**, *Conventio*, Is the Consent of two, or more, to one Thing, to do or give somewhat. *West. Symb. part. 2. lib. 1. sect. 4.* It seemeth to be as much as *Pactum Conventum* with the Civilians, which you read oftentimes in *Tully*; *Pactum conventum quod & vulgo vestitum vocant, opponitur nudo pacto, vel ut ab omni juris solemnitate destituito. Hujus exempla, &c.* *Oldendorpius.* And *Covenant* in this Signification is either a *Covenant in Law*, or a *Covenant in Fact*. *Coke lib. 4. Noke's Case, fol. 80.* or *Covenant Express*, and *Covenant in Law*. *Co. lib. 6. f. 17. a.* A *Covenant in Law* is that which the Law intendeth to be made, though in Words it be not express; as if the Lessor do demise and grant, &c. to the Lessee for a certain Term, the Law intenderth a *Covenant* on the Lessor's Part, That the Lessee shall quietly enjoy his Lease for his Term against all Incumbrances. *Covenant in*

*Fact*



*Fact* is, that which is expressly agreed between the Parties. There is also a *Covenant merely Personal*, and a *Covenant Real*. *F. N. B. f. 145.* And he seemeth to say, That a *Covenant Real* is, whereby a Man tieth himself to pass a thing *Real*, as Lands or Tenements; as a *Covenant* to levy a *Fine of Land*, &c. A *Covenant merely Personal*, of the other Side, is where a Man *covenanteth* with another by Deed to build him a House, or any other Thing, or to serve him, or to incoast him, &c. See *Convention*. *Covenant* is also the Name of a *Writ*; for which see *Convention*, and *New Book of Entries*, verbo *Covenant*.

**N**overint omnes presentes scriptum Chirographatum visut. vel auditur. quod xviii. die April. Temporis gratie MCCLX. ita convenit inter nos Hugonem de Okelesthorp & Adam filium Ade & Thowes, generum ejusdem Hugonis, sc. quod ego Adam non dabo, impignorabo, vendam, nec alienabo aliquam partem tenementi mei de quo fui vestitus & seistus predicto die, nec tenementi mihi contingentis nomine hereditatis, sine voluntate & assensu predicti Hugonis vel heredum suorum, Et quod amabiliter tractabo uxorem meam, filiam predicti Hugonis; Et nisi fecero, ibo per septem dies sabbati nudus per medium forum de Harwode quando plenius fuerit, secundum ordinationem dicti Hugonis. Omnia autem prescripta fideliter & sine fraude observanda pro me & heredibus meis, tactis sacrosanctis, juravi & affidavit; Et ne istud alicui hominum vertatur in dubium, nos predicti Hugo & Adam sigilla nostra partium hiis mutuis scriptis apposimus. Hiis testibus, Stephano Sterry, tunc Chirographar. Civitatis Ebor. Daniele de Tortie Clerico, Richardo de Waleys de Acculum, Ade de Northfolch, Thoma Edwyn Allutario de Ebor. & aliis. Ex MS. penes Gul. Dugdale, Mil.

**Covenant**, (*Fœdus*.) the late solemn League and Covenant, first hatched in Scotland, was a seditious Conspiracy too well known to need any Explication. It was voted illegal and irreligious by Parliament in May 1661. and Provision is made against it by the Statute 14 Car. 2. c. 4. where it is declared to have been imposed on the Subjects of this Realm against the known Laws and Liberties of the same.

**Covent**, *Conventus*, Signifies the Society of an Abbey or Priory, as *Societas* signifies the Number of Fellows in a College. *Bract. lib. 2. cap. 35.*

**Couverture**, Is a French Word signifying any Thing that covers, as Apparel, a Coverlet, &c. and deduced from *Coverir*, that is, *tegere*: In Law, it is particularly applied to the Estate and Condition of a married Woman, who (by the Laws of our Realm) is *sub potestate viri*, and therefore disabled to make Bargain with any, to the Prejudice of her self, or her Husband, without his Assent and Privity, or at the least without his Allowance and Confirmation. *Bro. hoc Tit. per tot.* And *Bracton, lib. 2. cap. 15.* saith, That *Omnia que sunt uxoris, sunt ipsius viri, nec habet uxor potestatem sui, sed vir.* And again, *lib. 4. c. 24.* *Vir est caput mulieris.* And also, *lib. 5. tract. 2. cap. 3.* That in any Law-Matters, *sine viro respondere non potest.* And in the same Book, *tract. 5. cap. 23.* *Vir & uxor sunt quasi unica persona, quia caro una & sanguis unus; Res licet sit propria uxoris, vir tamen ejus custos, cum sit caput mulieris:* And *lib. 1. ca. 10 num. 2.* *Uxores sunt sub virga viri.* And if the Husband alien the Wife's Lands, during the Mar-

riage, she cannot gain-say it during his Life. See *Cui ante divortium*, and *Cui in vita*.

**Covine**, *Covina*, Is a deceitful Assent or Agreement between two, or more, to the Prejudice of another. As if a Tenant for Term of Life, or Tenant in Tail will secretly conspire with another, that the other shall recover against the Tenant for Life, the Land which he holds, &c. in Prejudice of him in the Reversion. It cometh from the French Verb *Covenancer*, that is *depaïser*, or rather *convenir*, id est, *convenire*. Dr. Skinner takes it to be a Corruption of the Lat. *Conventum*, and therefore writes it *Cover*.

**Count**, Signifieth as much as the original Declaration in a Process, tho' more used in real than personal Actions, as a Declaration is more applied to personal than real. *F. N. B. a. 60. d. 71. a. 191. c. 217. a.* *Libel* with the *Civilians* comprehends both. And yet *Count* and *Declaration* be sometimes confounded, as *Count* in Debt. *Kit bin, f. 281.* *Count* or *Declaration* in Appeal. *Pl. cor. 78.* *Count* in Trespass. *Briton, c. 26.* *Count* in an Action upon the Case for a Slander. *Kitch. 252.* The Word seemeth to come from France and Normandy, for in the *Grand Custumary, c. 64.* *Contours* are taken for such as a Man retains to speak for him in any Court as Advocates; and *c. 63.* *Pledeurs*, he makes another Sort of Spokesmen in the Nature of Attornies, for one that is himself present, but suffereth another to speak in his behalf. But *Contours* by Horn's *Mir. of Just. lib. 2. cap. Des Loyers*, are such Serjeants, skilful in the Law, which serve the Common People to defend their Actions in Judicature for their Fee, whose Duty, if it be as is there described, and were observed, Men might have much more Comfort of the Law than they have.

**Countee** (Fr. *Comté*, a *Comitando*, because they accompany the King) was next to the Duke, the most eminent Dignity of a Subject before, as well as since, the Conquest: And those who in ancient Time were created *Countees*, were Men of great Estate and Dignity: For which Cause the Law gives them great Privileges; as, their Persons may not be arrested for Debt, Trespass, &c. (because the Law intends that they assist the King with their Counsel for the publick Good, and preserve the Realm by their Prowess and Valour); they may not be put upon Juries. If Issue be taken, whether the Plaintiff or Defendant be a *Countee*, or not, this shall not be tried by the Country, but by the King's Writ. Also the Defendant shall not have a Day of Grace against a Lord of the Parliament, because it is intended he attends the Publick. And of old the *Countee* was *Præfectus*, or *Præpositus Comitatus*, and had the Charge and Custody of the County, whose Authority the Sheriff now hath. *Coke, lib. 9. fol. 46.* and is therefore called *Viscount*. See *Earl*.

**Countenance** Seemeth to be used for Credit or Estimation. *Old Nat. Brew. f. 111.* in these Words; Also the Attaint shall be granted to poor Men, that will swear they have nothing whereof they may make Fine, saving their Countenance: So is it used 1 E. 3. Stat. 2. c. 4. in these Words, *Sheriffs shall charge the King's Debtors with as much as they may levy with their Oaths, without abating the Debtor's Countenance.* See *Contentement*.

**Counter**, *Computatorium*, may be derived from the Latin *Computare*, to account. But we use it for the Names of the two City-Prisons, common-

ly called the *Counters*; whereinto, he that once slippeth, is like to account ere he can get out.

**Countermand**, Is where a Thing formerly executed, is afterwards by some Acts or Ceremony, made void by the Party that had first done it. As if a Man has made his last Will whereby he devises his Land to J. S. and then he encloses another of the same Land; there this Feoffment is a *Countermand* to the Will, and the Will, as to the Disposition of the Land, is void. If a Woman, seised of Land in Fee, makes a Will in Writing, and devises, that if A. of B. survives her, then she devises and bequeaths to him and his Heirs her Land, and afterward she intermarries with the said A. of B. there by taking him to Husband and Coverture, at the Time of her Death, the Will is *countermanded*.

**Counterplea** Is compounded of two French Words, *Contre*, i. e. *contra*, *adversus*; and *Pleder*, *Causam agere*; it signifieth properly in our Common Law, a Replication to *Ayde Prier*; for when the Tenant by Curtesy, or in Dower, prayeth in Aid of the King, or him in the Reversion for his better Defence; or else if a Stranger to the Action begun, desire to be received, to say what he can for the Safeguard of his Estate; that which the Demandant alledgeth against this Request, why it should not be admitted, is call'd a *Counterplea*. And in this Signification it is used 25 E. 3. Stat. 3. cap. 7. See also the *Terms of the Law*, f. 172. and the Statute 3 E. 1. cap. 39.

**Counter-Rolls**. Anno 3 E. 1. cap. 10. Sheriffs shall have Counter-Rolls with the Coroners, as well of Appeals, as of Inquests, &c.

**Countours** (Fr. *Contours*) have been taken for such Serjeants at Law, as a Man retains to defend his Cause, or speak for him in any Court for their Fee. *Horn's Mirror*, lib. 2. cap. des *Loyers*. And of whom thus Chaucer,

— A Sheriff had he been, and a Contour,  
Was he where such a worthy Abalour.

They were anciently called *Serjeant Contours*. Coke on *Little*, f. 17. a.

**County**, (*Comitatus*.)—*Quod modo vocatur Comitatus olim apud Britones temporibus Romanorum vocabatur Consulatus; & qui modo vocantur Vicecomites tunc temporis Viceconsules vocabantur.* Leg. Edw. Confess. ca. 2. And even in the Confessor's Time a County was called *Consulatus*, viz. *Fecit summoniri per universos Anglia Consulatus nobiles sapientes & sua Lege eruditos.* Leg. Edw. Confessor, cap. 1. It signifies the same with *Shire*, the one coming from the French, the other from the Saxon; both containing a Circuit or Portion of the Realm, into which the whole Land is divided, for the better Government of it, and more easy Administration of Justice: So that there is no Part of this Nation that lies not within some County; and every County is governed by a yearly Officer, whom we call a *Sheriff*. *Fortescue*, cap. 24. Of these Counties there are four of special Mark, which therefore are termed *Counties Palatine*, as *Lancaster*, *Chester*, *Durham*, and *Ely*. An. 5 Eliz. cap. 23. We read also anciently of the *Counties Palatine of Pembroke* and *Hexam*, An. 33 H. 8. ca. 10. (which last did belong to the Archbishop of York). — This Act, or any Thing therein contained, shall not extend to the County Pala-

tine of *Hexam*, within the County of *Northumberland*, ne to the County Palatine of *Ely*, within the County of *Cambridge*, &c. But by the Statute 14 Eliz. cap. 15. this County Palatine of *Hexam* was stripped of its Privileges, and reduced to a Part of the County of *Northumberland*. The chief Governors of these Counties Palatine, by special Charter from the King, did heretofore send out all Writs in their own Names, and did all Things touching Justice as absolutely as the Prince himself in other Counties, only acknowledging him their Superior and Sovereign. But by the Statute 27 H. 8. cap. 24. this Power is much abridged; to which I refer the Reader, as also to *Crompt. Jurisd.* f. 137. and 4 *Inst.* f. 204, and 221.

Besides these Counties of both Sorts, there are likewise unto some Cities some Territory, Lands, or Jurisdiction annexed, as the County of *Middlesex*, by King Henry the First, to the City of *London*: The County of the City of *York*. An. 32 Hen. 8. cap. 13. *Chester*, an. 45 Eliz. cap. 15. *Canterbury*. Lamb. Eiren. lib. 1. cap. 9. *Norwich*, *Worcester*, *Coventry*, *Exeter*, &c. The County of the Town of *Kingston upon Hull*. 32 H. 8. cap. 13. *Newcastle upon Tyne*, &c. The County of the Town of *Haverford West*. 35 Hen. cap. 16. A County in another Signification, is used for the County-Court, which the Sheriff keepeth every Month within his Charge, either by himself or his Deputy. An. 2 E. 6. cap. 25. *Crompt. Jurisd.* f. 221. *Bract.* lib. 3. c. 7. & lib. 3. tract. 2 cap. 12. Of these Counties, there are reckoned in England forty, besides twelve in *Wales*, making in all fifty-two. The Word *Comitatus*, is also used for a Jurisdiction, or Territory among the Feudists. See *Comitatus*.

**Counting-House of the King's Household**, *Domus Computus Hospitii Regis*, Is commonly called *The Green-cloth*, because the Table stands always covered with a *Green Cloth*: Here sit the Lord Steward, Treasurer of the King's House, Controller, Master of the Household, Cofferer, two Clerks of the *Green-cloth*, and two Clerks Controllers, for daily taking the Accounts of all Expences of the Household, making Provisions, and ordering Payment for the same; for the good Government of the King's Servants, and paying the Wages of those below Stairs. Vid 39 Eliz. cap. 7. and 4 *Inst.* fol. 131.

**County-Court**, *Curia Comitatus*, by *Lambard* is otherwise called *Conventus*, in his Explication of Saxon Words, and divided into two Sorts; one retaining the general Name, as the County-Court held every Month by the Sheriff, or his Deputy the Under-Sheriff, whereof you may read in *Crompt. Juris.* f. 231. The other called *The Turn*, held twice every Year; of which see more in its proper Place. And *Crompt. Juris.* *ibid.* This County-Court had in ancient Times the Cognizance of great Matters, as may appear by *Glanville*, lib. 1. cap. 2, 3, 4. by *Bracton* and *Britton* in divers Places, and by *Fleta*, lib. 2. cap. 62. but was abridg'd by the Statute of *Magna Charta*, c. 17. and much more by 1 E. 4. cap. 1. It had also, and hath the Determination of certain Trespasses and Debts under forty Shillings. *Britton*, ca. 27, 28. What Manner of Proceeding was of old used in this Court, see *Fleta ubi supra*.

Before the Courts at *Westminster* were erected, the County-Courts were the chief Courts of this Kingdom: Amongst the Laws of King *Edgar*, this is one, viz. Let the *Hundred-Court* be kept as

anciently, &c. and let there be two County-Courts in a Year, in which County-Court there shall be a Bishop, and an Alderman or Earl, where one shall judge according to the Common Law, and the other according to the Ecclesiastical Law.

This is the Foundation of the united Power of the Bishop and Earl to sit and try Causes in one Court; the Conjunction of which Powers mutually to assist each other, is as ancient as the English Government it self; but these Powers were separated by William the Conqueror, and soon after all the Ecclesiastical Business was brought into the Courts, so called, and the Law Business into the King's Bench.

**Courraier**, A French Word signifying a Horse-Courser. 2 Inst. fol. 719.

**Courfitour**. See *Cursitor*.

**Court**, *Curia*, Cometh of the French Court which signifies the King's Palace, or Mansion; but derived of the Latin Word *Curia*, which among the Romans, had divers Significations; and with us also hath Diversity of Senses: As the House where the King remaineth with his ordinary Retinue, and also the Place where Justice is judicially administred, of which you find thirty-two several Sorts in Crompton's Book of *Jurisdiction* well described, and of them most are Courts of Record, some be not; and therefore are accounted *Base Courts*, in Comparison of the Rest. Besides these, there are also Courts *Christian*, *Smith de Rep. Angl. lib. 3. cap. 6.* which are so called, because they handle Matters especially appertaining to Christianity, and such as, without good Knowledge in Divinity, cannot be well judged of, being held heretofore by Archbishops and Bishops, as from the Pope, because he challenged the Superiority in all Causes Spiritual; but since his Rejection, they hold them by the King's Authority, *virtute magistratus sui*, as the Admiral of England holds his; whereupon it proceedeth, that they send out their Precepts in their own Names, and not in the King's, as the Justices of the King's Courts do. And therefore as the Appeal from these Courts did lie to Rome; now by the Stat. 25 H. 8. c. 19. it lieth to the King in his Chancery.

**Court of the admiralty**, *Curia Admiralitatis*. It was erected, as some hold, by Edw. III. for deciding maritime Causes; and the Title of its Judge is, *Suprema Curia Admiralitatis Anglie Locumtenens, Juxta sive Præsident*. For the Extent of its Jurisdiction, see Pryn's *Animadv.* on the 4 *Institute*.

**Court-Baron**, (*Curia Baronis*) is a Court which every Lord of a Manor, (who in ancient Times were called *Barons*) hath within his own Precincts. *Barons*, in other Nations, have great Territories and Jurisdiction from their Sovereigns; but here in England, what they are and have been heretofore, see in *Baron*. Of this Court, and *Court-Leet*, read *Kitchin*. Sir Edward Coke, *lib. 4.* among his Copyhold Cases, fol. 26. b. says, That this Court is Twofold after a Sort; and therefore, if a Man, having a Manor, grant the Inheritance of the Copyholders to another, the Grantee may keep a Court for the customary Tenants, and accept Surrenders to the Use of others, and make both Admittances and Grants; the other Court is of Freeholders, which is properly called the *Court-Baron*, wherein the Suitors, that is, the Freeholders, are Judges; whereas of the other, the Lord or his Steward is Judge. This there-

fore is more properly *Curia Baronum*, i. e. the Court of Freeholders, (for so *Barones* does also signify) over whom the Lord of the Manor presides. See *Halimote* and *Thane*.

**Court of Chivalry**, (*Curia Militaris*) otherwise called the *Marshal-Court*; the Judges of it are the Lord Constable of England, and the Earl Marshal of England: This Court is the Fountain of the Martial-Law, and the Earl Marshal is both one of the Judges, and to see Execution done. See *Constable*, and 4 Part *Instit.* f. 123.

**Jehan**, filz, frere, & oncle au Roys, Duc de Bedford, & d'Anjou, Comte Richemond & de Kendal, & Conestable d'Angleterre, a nostre treschere Cousin Jean Duc de Norfolk, Marechal d'Angleterre salut. Nous vous mandons & chargeons qui vous facez arrester & venir devant nous ou nostre Lieutenant a Westminster a la Quinsiesme du Saint Hillaire prochain venant William Clopton du Counte de Suffolke Esquire, pour adunke respondre devant nous ou nostre Lieutenant, en la Cour de Chivalrie, a Robert Eland Esquier de Comte de Nichol de ce que le dit Robert adunques luy surmettra par voie de Armes, ad & appose le Seel de ces Armes a un faux & forgo fait, as domages du dit Robert de C. l. &c. Donne joubz le seel du nostre office, &c.

**Court Christian**, (*Curia Christianitatis*) so called, because, as in secular Courts, the King's Laws do sway and decide Causes; so in Ecclesiastical Courts, the Laws of Christ should rule and direct; for which Cause, the Judges in those Courts are Divines, as Archbishops, Bishops, Archdeacons, &c. *Lyndwode's* Words are these: *In curia Christianitatis, i. e. Ecclesia, in qua servantur Leges Christi, cum tamen in foro regio serventur Leges mundi.* 2 Part *Inst.* f. 488. See before in *Court*.

But under the specious Pretence of judging according to the Laws of Christ, there was a Complaint made against the Bishops long before the Reformation, That they had extended their Jurisdiction so far, that they had left very little Business for the secular Judges; for they assum'd the Judicature over the Clergy, and every one who had Tonsure; and for that Purpose they would cause a great Number of Boys to be shaved: And though they had no legal Jurisdiction in criminal Cases, of the Clergy, but only in the Execution of the Sentence, which was Degradation; yet they judged likewise in those Cases, and in all spiritual Causes whatsoever; in Cases of Tithes and other Profits arising to the Church; in Cases relating to the Faith and Sacraments; in Cases of Heresies; of any Violence done to the Church or to the Clergy; of Fornication and Adultery; of the Privileges of those who had taken upon themselves the Sign of the Cross; of all matrimonial Causes; of Bastardy and Legitimation; of last Wills and Testaments, and of Lands and Tenements which were given in Alms; of Usury, &c. *Du Cange*.

**Court of Delegates** is the highest Court for Civil Affairs that concern the Church; the Jurisdiction whereof was established by 25 Hen. 8. cap. 19. From the highest Court of the Archbishop of Canterbury, there lies an Appeal to this Court, and from this to no other. See *Delegates*.

**Court of the Legate** was a Court obtained by Cardinal Wolsey, of Pope Leo the Tenth, in the Ninth Year of Henry the Eighth, wherein he had Power

Power to prove Wills, and dispense with Offences against the Spiritual Laws, &c. And was but of short Continuance.

**Court of Peculiars** (*Curia Peculiarium*) is a *Spiritual Court*, held in such Parishes as are exempt from the Jurisdiction of the Bishops, and are peculiarly belonging to the Archbishop of Canterbury, in whose Province there are fifty-seven such *Peculiars*.

**Court of Pie-Powders.** See *Pie-Powders*.

**Court of Requests**, (*Curia Requisitionum*) was a Court of Equity, of the same Nature with the *Chancery*, but inferior to it; principally instituted for the Relief of such Petitioners, as in conscionable Cases addressed themselves by Supplication to his Majesty. Of this Court the *Lord Privy Seal* was Chief Judge, assisted by the *Masters of Requests*; and it had Beginning about the 9 H. 7. according to Sir *Julius Caesar's* Treatise on this Subject. *Mich. 40 & 41 El.* in the *Court of Common Pleas*, it was adjudged upon solemn Arguments, That this Court of Requests, or the *Whitehall*, was no Court that had Power of Judicature, &c. See 4 *Part Inst. f. 97*.

**Courtilage.** See *Curtilage*.

**Court-Lands**, *Terra Curtiles*, *Demains*, or Land kept in *Demefne*, i. e. in the Lord's own Hands, to serve his Family. See *Curtiles Terra*.

**Courtesy of England.** See *Curtsey of England*.

**Cousinage.** See *Cosenage*.

**Couffangium**, or *Couffamentum*; the same with *Custantia*: It signifies Cofts.

**Coutynslaugh** (from the Sax. *Couth*, *sciens* & *Uslaugh*, *exlex*) is he that willingly receives a Man outlawed, and cherishes or conceals him. In which Case he was, in ancient Time, subject to the same Punishment that the Outlaw himself was. *Bracton*, lib. 3. tract. 2. ca. 13. num. 2.

**Cowels.** A Cowel, or Coule, or Tub with two Ears, to be carried between two Persons on a Coule-Staff. A Cowl in *Essex*, is the Appellative for any Tub; whence a Cowler now pronounced, a Cooler, or Brewing Vessel. — *Pro novo Cowels empto ix. den. Paroch. Antiq. pag. 549*.

**Craiera**, A Vessel of Lading or Burden, a Hoy or Smack — *Richardus Rex, &c. Thomæ de Percey Admirallo nostro — in Parlamento ordinatum extitit — percipiendi de qualibet navi & craiera, cujuscunq; fuerit portagii, que Mare transierit, infra dictum Admiratum eundo & redeundo pro viagio, de quolibet tonnetight sex denarios. Pat. 2. Ric. 2.*

**Crailg**, or rather *Crails*, an Engine to take Fish.

**Cranage**, *Cranagium*, Is a Liberty to use a Crane, for the drawing up of Wares from the Vessels at any Creek of the Sea or Wharf, unto the Land, and to make Profit of it. It signifies also the Money taken, and pay'd for the same. *New Book of Entries*, fol. 3. col. 3. Anno 22 Car. 2. cap. 11.

**Crannock**, *Crennoc*, An old Measure of Corn. — *Quilibet debet flagellare dimidium crannock frumenti ad semen, & duos bussellos frumenti contra Natale in firma sua. Cartular. Abbat. Glaston. MS. f. 39. a. — Rex mandat G. de Marisco Justiciario Hiberniæ, ut liberet Regi Manniæ singulis annis duo dolia vini, & sexies viginti crennoc bladi, pro homagio suo. Claus. 3. H. 3. m. 2.*

**Crappa**, *Anglice Crap*: The Seeds of a Weed in Corn, *Abjectio vero bladi & Crappa hujusmodi, que in Anno remanserit, recolligitur ac potius trituratur. Fleta*, lib. 2. c. 82.

**Craspicis**, i. e. *Pisces crassus*, a Whale.

**Crassino Sancti Vincentii**, The Morrow after the Feast of St. Vincent the Martyr, being the 22d of January, is the Date of the Statute made at *Merton*, Anno 10. H. 3.

**Cravare**, i. e. To impeach, viz. *Si homicida diuadietur ibi vel Cravetur, fit witam, &c. Leg. H. 1. c. 30.*

**Cravent** or *Craben*. In a Trial by Battel. Upon a Writ of Right, the ancient Law was, That the Victory should be proclaimed, and the Vanquished acknowledge his Fault in the Audience of the People, or pronounce the horrid Word *Cravent*, in the Name of *Recreantise*, &c. and presently Judgment was to be given, and after this, the *Recreant* should *Amittere liberam legem*, that is, he should become infamous, &c. See 2 *Part. Instit. 247, 248*. If the Appellant join Battel, and cry *Craven*, he shall lose *liberam legem*; but if the Appellee cry *Craven*, he shall be hang'd. 3 *Inst. f. 221*. We still retain this Word *Craven*, for a Coward.

**Craver** seems to be a Kind of small Sea-Vessel or Ship, mentioned in the Statute 14 Car. 2. cap. 27. *Et transitus Cracarum & Batellorum cum victualibus & aliis necessariis, &c. Pat. 6. R. 2. Part 2. m. 13.*

**Creamer**, A foreign Merchant, a Pedlar, one who hath a Stall in a Fair or Market.

**Creansor**, *Creditor*, Cometh of the French Word *Croyance*, *Persuasio*, and signifieth him that trusteth another with any Debt, be it in Money or Wares. This Word is used in the Old Nat. Brev. in the Writ of *Audita Querela*, f. 66. a. 38 Ed. 3. cap. 5.

**Crest**, *Cress*, *Crista*; Any Imagery, or carved Work, to adorn the Head, or Top of any Wain-scor, &c. like our Modern *Cornish*: The Word is now adopted by the *Heralds*, and apply'd to the Device set over a Coat of Arms. — *Et Willielmo Hykkedon conducto in grosso ad mensam Domini ad dolandum & perficiendum Le Crest, super cancel-lum Prioratus ibidem. — Mr. Kennet's Paroch. Antiq. p. 575.*

**Crest tile.** Vid. *Roof-tile*.

**Creation-Honey**, (*Stat. 12 Car. 2. c. 1.*)

**Creche**, A drinking Cup: 'Tis mentioned in the *Monasticon*, 1 Tom. pag. 104. *Vas vero quod Creche nuncupatur septem pollices continet, viz. ad profunditatem a summitate unius usque ad profundum lateris alterius.*

**Creek**, (*Creca*, Sax. *Crecca*) is a Part of a Haven, where any Thing is landed from the Sea. So that when you are out of the main Sea within the Haven, look how many landing Places you have, so many Creeks may be said to belong to that Haven. See *Crompt. Jurisd. fol. 110. a.* This Word is mentioned in the Stat. 4 H. 4. cap. 20. (where 'tis said, — in great Ports of the Sea, and not in Crykes or small Arrivals) 5 Eliz. cap. 5. and 14 Car. 2. ca. 28. and in *Plow. Casu Renyger & Fogassa*.

**Crementum Comitatus**. The Improvement of the King's Rents above the ancient Vicontiel Rents, for which Improvements the Sheriff answered under the Title of *Crementum Comitatus*, or *Firma de cremenio Comitatus*, *Hale of Sheriff's Accounts*, p. 36.

**Cremil**, The same with *Crimson*.



*Crepare oculum*, To put out an Eye: *Si quis alii crepat oculum solvat ei sexaginta sol.* Leg. H. 1. cap. 93.

*Creteus*, *Creteus*, a sudden Stream or Torrent — *Cruis lapidea constructa fuit* — *cujus quidem crucis corpus per cretinum aqua & tempestatem venti obrutum, & confractum existit.* Histor. Croyland. Contin. pag. 485. — *Omnes inundationes & communes aquarum cretenas, sufficienter defendere possit.* Ibid. p. 617.

*Cro*, *Croy*, signifies Marsh-Land: *Et quia palustris hujus Croyland ut ipsum nomen indicat, nam crudam terram & cœnsam significat.* Ingulphus, pag. 853.

*Crocardæ*, A Sort of Money, very base. See Pollards.

*Croca* Cowweller, i. e. Olla simul bullit, from the Saxon *Crocca*, i. e. Olla, and Fellen, bullire. *Si plures aliqui faciunt homicidium quorum Crocca Cowweller, si velint simul componant.* Leg. Hen. 1. cap. 78.

*Crocium*. This perhaps is the only Word that exercised, and escaped the Sagacity of the very acute Sir Henry Spelman; who in his Glossary, expresses it to this Effect: *I hear there is in Ireland a Charter of King Henry II. wherein he grants very ample Privileges to a certain Bishop, — exceptis Forestallis, thesauro invento, crociis, &c.* What is meant here by *crociis*, I have endeavoured to find, but can make no Answer; if it be any Thing else than the *Cro* in the Scottish Law, that is, the Weregild, or Composition for Manslaughter. For though that Prince had taken away the Customs of Weregild from his Subjects, yet he left them entire among the Irish. — This Mistaken Sense of a Word, is yet rare in Spelman; but it is not so much a Wonder, that Du Fresne should not find the true Meaning of it, which yet seems very obvious. For *Crocia* was no more than the Crozier, or the Pastoral Staff, which Bishops and Abbats had the Privilege to carry, as the common Ensign of their religious Office; as being invested in their Prelacies, by the Delivery of such a Crozier. Hence the Word *Crocium* and *Crocia*, did sometimes denote the Collation or Disposal of Archbishopricks and Abbies, by the Donation of such Pastoral Staff. So as when the King granted large Jurisdiction, &c. *exceptis Crociis*, it is meant, except the Collation or Investiture of Episcopop Sees and Abbies.

*Crociarius*, The Crociary, or Crois-bearer, who, like our Virger, went before the Prelate, and bore his Crois. — *Robertus de Wycumbe, Clericus Episcopi Dunelm. quem vulgo Crociarium ejus vocant.* — *Liber de Miraculis Tho. Cantilup. Episc. Heref. MS. sub Anno 1290.*

*Croco* Calata, Ancaster in Lincolnshire.

*Crocus*, curled Hair: *Pryn. Ch. Lib. Angl. Tom. 2. pag. 479.* *Sciatis quod potestatem vobis dedimus, capillos Clericorum nostrorum, longos crines habentium, & ad Crocos capillorum suorum deponendos, &c.*

*Croft* (Sax.) *Croftus* & *Crofta*, A little Close or Pittle, enclosed near a Dwelling-House, for any particular Use. *Possunt etiam dicti Monachi de eisdem mariscis versus occidentem jacentibus, pro se & hominibus suis, includere Croftos, sive pratum juxta pontem separatim quantum illis placuerit.* Ingulf. In some ancient Deeds *Crusta* occurs, as the Latin Word for a Croft; but *cum Toftis* & *Croftis* is most frequent. *Croft* is translated by *Abbo Floriacensis*, by *Pradium*, a Farm. It seems to come of the old English Word *Crease*, which signify'd Handicraft, because such Grounds are for the most part

manured, and extraordinarily dress'd by the Labour and Skill of the Owner.

*Croices* (*Cruce signati*) is used by Briton, cap. 122. for Pilgrims, because they wear the Sign of the Crois upon their Garments. Of these, and their Privileges, read Bratton, lib. 5. part 2. cap. 2. and part 5. c. 29. and the Grand Customary of Normandy, c. 45. Under this Word are also signified the Knights of St. John of Jerusalem, created for the Defence of Pilgrims; and all those worthy Men of the Nobility and Gentry of England, who, in the Reigns of King Henry the Second, Richard the First, Henry the Third, and Edward the First, were *Cruce signati*, as dedicating and lifting themselves to the Wars, for the Recovery of Jerusalem and the Holy Land. *Greg. Syntag. Lib. 15. cap. 13 & 14.*

*Crok*, *Crocus*, *Capillorum croci*, Turning up the Hair into Curls or Croks; whence *Crook*, *crooked*, &c. — *Rex Willicmo de Peretot, Salutem, Sciatis quod concessimus, & plenam potestatem vobis dedimus sciendendi capillos Clericorum qui sunt de hospitio nostro, & familia nostra longos crines habentium, & comas intorquentium, & ad crocos capillorum suorum deponendos; & ideo vobis mandamus quatenus ad hoc modo debito diligenter intendatis, hujusmodi potestatem nostram vobis concessam taliter exequentes circa predictos capillos sciendendos, & crocos deponendos, ne ad capillos vestros sciendendos forcipere apponere debemus: Teste Meipso apud Clare. 11 die Sept. Pat. 21. H. 3.*

*Croppa*. Sax. *Croppas*, A Crop of Corn, or the Product in Harvest. — *Johannes, Prior & Conventus concedunt Radulpho de Hok, terram de Yorkherit — croppam autem de ipsa terra provenientem sape dictus Radulphus, tempore messonis in eadem terra debet reponere & custodire.* Registr. Cant. Ecclesiæ MS. So also *Croppus* occurs in the same Sense. See Mr. Kennet's Paroch. Antiq. pag. 298. Sax. *Crop*, the Top or Head of any Thing: Whence to *crop* or cut off the upper Part; *Crop-eared*, a Crop of Beef. In *Suffex*, they call Darnel Crop; and in *Worcestershire*, Buck-Wheat goes by the like Name of Crop. The old Lat. *Cropa*, was the Buttock of a Horse, whence *Crupper*.

*Crozier*, the pastoral Staff of a Bishop, so called a similitudine crucis.

*Crosses*, It was usual in former Times for Men to erect Crosses on their Houses, by which they would claim the Privileges of the Templars or Hospitallers, to defend themselves against their rightful Lords; this was condemned by the Statute W. 2. cap. 13. It was usual also in those Days to set up Crosses in Places where the Corps of any of the Nobility rested, as it was carried to be buried, that a *Transseuntibus pro ejus animo deprecetur.* Wallingham, Anno 1291.

*Crustum* was a Garment of Purple mixed with many Colours: *Duas patenas argenteas auro ornatas, cum duobus urceolis & crusto aureo.* Mon. 1 Tom. p. 210.

*Crypta*, A Chapel or Oratory under Ground: *Egresso toto conventu, accepta absconsa si nox est. vadit per cryptam.* Du Cange.

*Cucherus*, *Canis Prodiarius*, a Coucher, Setter, a Setting-Dog. — *W. Primas Ebor — dilecto Priori de Birstall, Salutem, &c. Rogamus dilectionem vestram quatenus si placeat, cum celeritate qua poteritis, Nobis provideatis in partibus vestris transmarinis de duobus canibus prodiariis, seu cucheris, & vobis de pretio fideliter & plene respondebimus & de custu, hoc sicut Nos diligitis nullatenus omitatis; ita*  
R 2

quod dictos canes habeamus circa Festum Beati Michaelis omnimodo. Dat. Beverlaci, 10 Kal. Sept. 1280. Ex Registr. Will. Wickwane, Archiep. Ebor.

**Cuckingstool**, or **Cokstool**, (*Tumbrellum*), is an Engine invented for the Punishment of Scolds and unquiet Women, by ducking them in the Water, called in ancient Time a *Tumbrel*, and sometimes a *Trebuchet*. Lamb. Eiren. lib. 1. ca. 12. *Bracton* writes this Word *Tymborella*. *Kitchin*. (cap. Charge in Court-Leet, f. 13. a.) says, Every one having View of Frank-pledge, ought to have a Pillory, and a *Tumbrel*. This was in use even in our Saxons Time, by whom it was called *Sealfingstole*, and described to be *Catbedra*, in qua rixose mulieres sedentes aquis demergebantur: It was a Punishment anciently inflicted upon Brewers and Bakers transgressing the Laws, who were thereupon, in such a Stool or Chair, to be ducked and immersed in stercore, some muddy or stinking Pond. This I find also anciently written, *Gogingstole*. See *Pandatrix*. And in *Domesday*, it is called *Catbedra Stercoris*. Some think it a Corruption from *Duckingstool*; others from *Choak ingstool*; quia hoc modo demersa aquis fere suffocantur.

**Cude**, A Cude-cloth, a Chrysom, or Face-cloth for a Child; the Priest's Fec in Time of Roman Imposition. Probably *Gude-cloth*, i. e. God's Cloth, or the Holy Piece of Linen, used in the Dedication of the Child to God.

**Cudgell**, a Pledge or Surety.

**Cudutlaugh**. See *Contheulaughe*.

**Cui ante Divortium**, Is a Writ, that a Woman divorced from her Husband, hath to recover Lands or Tenements from him, to whom her Husband did alienate them during the Marriage, because she could not gainsay it. *Reg. Orig.* fol. 233. F. N. B. f. 240.

**Cui in Vita**, Is a Writ of Entry, that a Widow hath against him, to whom her Husband aliened her Lands or Tenements in his Life-time, which must contain in it, That during his Life-time she could not withstand it. *Reg. Orig.* fol. 232. F. N. B. f. 193. See the *New Book of Entries*, verbo *Cui in vita*.

**Cuillieurs des gentz**, Whereas Murders, Cuillieurs des Gentz, Robberies, &c. are done and committed without Number, &c. *Cotton's Abr. of Records*, f. 62. 21 Ed. 3. 9.

**Cuinage**. See *Cuynage*.

**Culagium**, Is when a Ship is laid up in the Dock, to be repaired. *MS. Ar. Treasor. Arm. de plac.* E. 3.

**Culpatura**, A smiting or cutting, from the Fr. *Conper*, to cut: *Qui autem forisfaciat in foresta Regis de viridi, sive per Culpaturam, sive per Esbrancaturam, sive per foditionem turbarum, sive per Excoriationem mora, sive per culpationem sub nemore, sive per effartum, &c.* *Hoveden*, p. 784.

**Culpit** is compounded of two Words, i. e. *Cul* and *Prit*, viz. *Cul*, which is the Abbreviation of *Culpabilis*, and is a Reply of a proper Officer in the Behalf of the King, affirming the Party to be guilty after he hath pleaded Not guilty, without which the Issue is not joined: The other Word *Prit* is derived from the French Word *Prest*, i. e. ready; and 'tis as much as to say, That he is ready to prove the Party guilty: And this we find to be often the Form of Pleading in civil Causes; as in *Trespas*, the Defendant pleaded Not guilty, the Plaintiff replied by his Counsel

*Cretenus prest au que cy*, viz. he was ready to prove him guilty.

**Culreach**, the same with *Cudreach*.

**Cultura**, A Parcel of arable Land: Dr. *Thorton* in his *Nottinghamshire*, englishes it, a *Wong*. It often occurs in old Writings, as *totam illam Culturam que vocatur Watercroft*.

**Culbertage**, *Culvertagium*, May be interpreted *Cowardice*, as *Omnes cum equis & armis; jussit sub nomine Culvertagii convenire*. *Mat. Paris* fol. 233. *Culvertagium dictum puto a Columba timiditate, nam Culver idem est quod Columba*. *Spelm.* in voce *Niderling*. Others fancy it a *Culum vertendo*, i. e. Running away. These are the Opinions of some Men, but without any Foundation; it rather signifies some base Slavery, or the Confiscation of Estate, viz. *Rex Johannes brevi suo ad vicecomites jussit, ut nullus remaneat qui arma portare possit sub nomine Culvertagii & perpetua servitutis*: And in another Place, *Nihil magis quam opprobrium Culvertagii metuentes*. *Mat. Paris* Anno 1212. It seems therefore to be the same with *Couvrir le feu*, for when a Lord seizes his Vassal's Estate as forfeited, he is said *Couvrir le feu*, to cover or put out his Fire. *Du Cange*. Therefore the true Sense of the Word is not *Cowardice*, but Confiscation, or Forfeiture of Lands and Goods: It was a Norman Feudal Term for Lands of the Vassal escheating to the Lord: And sub nomine *culvertagii* was under Pain of Confiscation.

**Culward** and **Culverd**, *Salva Summonitione de Culward*. *Charta Willielmi de Tabley* temp. Ed. I. seems to be the same with *Culbertage*, or *Cowardice*.

**Cuna**. *Domesday*, Tit. *Cestria*. *Quando Rex ita veniebat, reddebat ei unaquaque carrucata cc. bestias, & unam cunam plenam cervisia*. So *Customar. de Hetham*, p. 21. *Omnis Lanceta & Toftman inveniet cunam, si habeat, ad cervisiam Domini faciendam*—Thus *Spelman* reads the Word; but it truly is *Cuna*, Gall. *Cuve*, Angl. *Keeve*, *Keever*, a Tub or Fat for Brewing.

**Cuna Cervisia**, a Tub of Ale. *Domesday*. See *Ruffa*. And to this Day, in *Cheshire*, a brewing Vessel is called a *Cump*.

**Cunage**, (*Cunagium*) — De *Cunagio Stanmeria* & de emptione totius *Stanni* in *Com. Devon.* & *Cornub.* *Rot. Pat.* 21 Ed. 3. See *Coinage*.

**Cunetio**. *Marlborough*, or the *Kenet*.

**Cunecum Monetæ**. *Ordo tenet manerium de Lilleson in Com. Midd. per Serjantiam custodiendi Cunecum Monetæ Domini Regis, i. e. Sigillum ferreum quo nummus cuditur*; the King's Stamp for Coinage. Hence comes our Word *Coin*, quasi, *Cune*. *Sciatis quod concessimus venerabili Patri nostro Cicestr. Episcopo, quod habeat Cunecum suum in Civitate Cicestriz, &c.* T. 29 Apr. *Claus.* 6. Joh. m. 3.

**Cuneus**, A Mint, or Place to coin Money, *Mandatum est, &c. sciatis quod concessimus venerabili Patri nostro Cicestr. Episcopo quod habeat Cunecum suum in Civitate Cicestriz, &c.* T. 29. Apr. *Claus.* 6. Joh. m. 3.

**Cuntey Cuntey**, Is a Kind of Trial, as appeareth by *Bracton*, in these Words, *Negotium in hoc casu terminabitur per Cuntey Cuntey sicut inter cobaredes*. *Bract.* lib. 4. tra&. 3. cap. 18. And again in the same Place, *In brevi de recto negotium terminabitur per Cuntey Cuntey*. And thirdly lib. 4. tra&. 4. cap. 2. *Terminabitur negotium, per breve de recto, ubi nec duellum nec magna Assisa, sed per Cuntey Cuntey omnino*, which in my Opinion is as much as by the ordinary Jury.

**Cura**—

**Curagulus**, One who taketh Care of a Thing: *Ego Edmundus Rex Anglorum & Curagulus multarum gentium*. Monasticon, 2 Tom. in a Charter of King Edmund.

**Curia Monasterii**, An Officer so called, who had the Charge of the Monastery: *Curia cum ipsis remanente qui cum ipsis manducet*. Du Cange.

**Curfew**, Cometh of two French Words, *Coverir*, that is, *tegere*; and *Feu ignis*, Fire: We use it for the Ringing of a Bell, by which the Conqueror willed every Man to take Warning for the Raking up, or Covering of his Fire, and the putting out of his Light. So that in many Places at this Day, where a Bell customably is rung towards Bed-time, it is said to ring *Curfew*. Stow's Annals, in vita Gul. Conquestor.

**Curia**, It was usual for the Kings of England to assemble the Bishops, Peers, and great Men of the Kingdom to some particular Place, at the chief Festivals in the Year, and this Assembly is called by our Historians, *Curia*; because there they consulted about the weighty Affairs of the Nation, and therefore it was sometimes called *Solemnis Curia*, *generalis Curia*, *augustalis Curia*, and *Curia publica*, &c. This Word was sometimes taken for the Persons, or feudatary and other customary Tenants, who did their Suit and Service at the Court of the Lord: So in a Charter of Bernard de St. Walery, Anno 30 H. 3. we find, *Hiis testibus, &c. & omni curia mea*. Kennet's Paroch. Antiq. f. 139.

**Curia advisare vult**, Is a Deliberation which the Court sometimes takes, before they give Judgment in a Cause, wherein there seems to be any Point of Difficulty; for which, see the *New Book of Entries* on this Word.

**Curia Baronum**. See *Court-Baron*.

**Curia Canonicozum**, The Court-lodge, or Manor-House in a Lordship belonging to the Religious. *Juxta Riculum extra Curiam Canonicozum*. Paroch. Antiq. p. 177.

**Curia claudenda**, Is a Writ that lieth against him who should fence and close up his Ground, if he refuse or defer to do it. *Reg. Orig. fol. 155. F. N. B. fol. 127*. See also *The new Book of Entries*, verbo *Curia claudenda*.

**Curia Domini**, The Lord's House, Hall, or Court, where all the Tenants, if Need require, were bound to attend every three Weeks, but generally at the Feasts of the *Annunciation* and *St. Michael*; from whence the Courts kept at those Times, were called *Curia generales*, the General, or more Solemn Court.

**Curia adventus**, The Day of coming to pay Suit and Service at the Court of the Lord: *Reddit per annum ad terminum ipsius unam Marcam & unum adventum Curie*; i. e. For the Rent of a Mark, and the Service of coming to the Lord's Court yearly. *Paroch. Antiq. pag. 400*.

**Curialitas Angliæ**. See *Curtsey* of England.

**Curia Militum**, A Court so called, anciently held at *Carisbroke Castle* in the Isle of Wight. — *Et idem Dominus Willielmus de Insula debet facere festam ad curiam Domini Castri de Carisbroc, de tribus septimanis in tres septimanas in Curia, qua vocatur Curia Militum*. Inq. de Anno 47 Hen. 3. n. 32.

**Curia Penticarum**, Id est, *Curia in civitate Cestrie coram Vicecomite ibidem in Aula Penticie ejusdem Civitatis*. Pl. in Itin. apud Cestriam, 14 H. 7. It is probable this Court was originally kept under a *Pentice*, or Shed covered with Boards, and thence took Denomination.

**Curia Personæ**, The Parsonage-House, or

*Manse*. — *Omnes obventiones altaris & coemeterii prædictæ Ecclesiæ, & totam terram, & Curiam Personæ* — *croftam quæ jacet juxta Curiam Personæ*. — Kennet's Paroch. Antiq. p. 205.

**Curio**, Corebridge in Northumberland.

**Curnoek**, Is four Bushels, or half a Quarter of Corn. *Fleta, lib. 2. cap. 12*.

**Curriculus**, the Year, or Course of a Year: *Actum est hoc annorum Domini incarnationis quatuor quinquagenis & quinquie, quinis lustis & tribus Curriculis*, i. e. the Year 1028. for Four-times fifty makes 200. and 5 Times 200 makes 1000, 5 *lustra* are 25 Years, and 3 *Curriculi* are 3 Years.

**Curtier**, Is one that dresses or liquors Leather, and is so called of the French Word *Cuir*, i. e. *Corium*, Leather: The Word is used in all the Statutes made for the good making of Leather, as 1 *Fac. cap. 22*.

**Curser**, *Cursor*, A Courier: or Express Messenger of Haste. — H. Rex Angl. &c. l. *Principi Aberstrawe Domino de Spoudon, Salutem, &c. Sit notum. Quia propter inundationes aquarum & viarum discrimina Nuncii nostri ad nos accedere non possunt, per Curser quendam literas presentes duximus destinandas*. Cart. H. 3.

**Curfitor**, *Clericus de cursu*, Is an Officer or Clerk belonging to the Chancery, that maketh out original Writs, 14 & 15 H. 8. cap. 8. They be called *Clerks of the Course*, in the Oath of the Clerks of the Chancery appointed 18 E. 3. Stat. 5 cap. Unico. There be of these twenty-four in Number, which have allotted to them several Shires, in which they make out such original Writs as are by the Subject required, and are a Corporation of themselves.

**Curfones terræ**. — *Sciant quod ego Willielmus Crump, dedi* — *Henrico de Sweton unam dimidiam coram, & duos curfones terra mea in Lytton, &c. Dat. 14 Ed. 2*. Seems to signify Ridges of Land.

**Curtsey** of England, (*Fus Curialitatis Angliæ*) is where a Man takes a Wife seised of Land in Fee-simple, Fee-tail general, or as Heir in Tail special, and hath Issue by her, Male or Female, born alive; if the Wife die, the Husband shall hold the Land during his Life, by the Law of England, and he is called *Tenant by the Curtesy* of England; because this Privilege is not allowed in any other Realm, except in Scotland, where it is called *Curialitas Scotia*.

I do not find any such Privilege before the Conquest, here in England; but it was a Custom before that Time used in Normandy, and probably derived from them; it was called in their Language, *Veuvee*, de quo sic jura & consuetud. Norman. cap. 121. viz. *Consuetudo est in Normannia ex antiquitate approbata, quod si quis uxorem habuerit ex qua heredem aliquem procreaverit, quem natum vivum fuisse conspiterit, sive decesserit, totum feodum quod maritus possidebat ex parte uxoris sue tempore quo decesserit, ipsi marito quamdiu ab aliis cesserit nuptiis remanebit*.

**Curteyne**, *Curtana*, Was the Name of King Edward the Confessor's Sword, which is the first Sword carried before the King of this Land at his Coronation. *Mat. Paris. in Vita Henrici Tertii*. And they say the Point of it is broken, which may seem therefore to be an Emblem of Mercy.

**Curtilage**, (*Curtilagium*) From the French *Cour*, Court, and Saxon *Leagh*, locus: A Yard, Backside, or Piece of Ground lying near a Dwelling-house, where they sow Hemp, Beans, and such like. *Perfoliunt* (decimam) *Laëis, hortorum*, *Curtilagiorum, Lane, &c. Provinciale Angl. lib.*

3. Tit. de Decimis. — *Et si in Curtilagio aliqujus bladum seminaretur, decimam garbam illius bladi, sicut in campis, percipiet.* Inq. 36 Hen. 3. *Mibi dici videtur Curtilagium* (says *Spelman*) a Curtillum & ago, scil. locus ubi curtis vel curtilli negotium agitur. It is mentioned Anno 4 E. 1. cap. unico. Anno 35 Hen. 8. cap. 4. and 39 Eliz. cap. 2. See Coke, Vol. 6. fol. 64. a. and *Bulstrode's Rep.* 2 part. fol. 113. *Cum quodam gardino* & Curtilagio, 15 Edw. 1. nu. 34. by which it seems to differ from a Garden.

**Curtiles terræ**, Court-Lands. Among our Saxon Ancestors, those *Thanes*, who possessed *Bockland*, or Hereditary Lands, divided them into *Inland* and *Outland*. The *Inland* was that which lay most convenient for the Lord's Mansion-House; and therefore the Lords kept that Part in their own Hands, for Support of their Family, and for Hospitality. The Normans afterwards called these Lands *Terras Dominicales*, the *Demains*, or Lords Lands. The Germans *Terras Indominicatas*, Lands in the Lord's own Use. The Feudists *Terras Curtiles*, or *Intra curtem*, Lands appropriate to the Court or House of the Lord. *Spelman* of Feuds, c. 5. *Curbare* and *Curbatus*. See *Cravare*.

**Custantia**. The same with *Costagium*, which signifies Costs.

**Custode admittende**, and **Custode amovende**, Are Writs for the Admitting or Removing of Guardians. *Reg. Orig. in Indice*.

**Custodes Libertatis Angliæ** *authoritate Parlamenti*, Was the Stile wherein Writs and other judicial Proceedings did run during the late Times of Trouble, viz. From the Murder of King Charles the First, till the Usurpation by *Cromwell*, mentioned and declared traitorous by the Stat. 12 Car. 2. cap. 3.

**Custodiam dare**, Was a Gift or Grant for Life: *Tradidit autem Rex Willielmo filio Aldelmi civitatem Wexfordiæ in custodia*, &c. *Du Cange*.

**Custom**, *Consuetudo*, Has all one Signification with our common Lawyers and Civilians, being by both accounted a Part of the Law: *Consuetudo quancunque pro Lege servatur*, saith *Bracton*, *partibus ubi fuerit more utentium approbata*; *Longævi enim temporis usus & consuetudinis non est vilis auctoritas*, lib. 1. cap. 3. It may not unaptly be thus defined, *Custom* is a Law or Right not written, which being established by long Use, and the Consent of our Ancestors, hath been, and is daily practised. Our Ancestors, that is, *Majores*; and those of our Kindred that are *ultra tritavum*: So that allowing the Father to be so much elder than the Son, as *Pubertas*, or the Years of Generation do require; the Grand-father so much elder than him, and so *usque ad tritavum*; we cannot say, That this or that is a *Custom*, unless we can justify it hath continued so at least one Hundred Years. For *Tritavus* must be so much elder than the Party that pleaded it; yet because that is hard to prove, it is enough for the Proof of a *Custom*, if two or more Witnesses can depose, That they heard their Fathers say, That it was a *Custom* all their Time, and that their Fathers heard their Fathers also say, That it was likewise a *Custom* in their Time. If it is to be proved by Record, the Continuance of an Hundred Years will serve. *Davie's Rep.* fol. 32. *Custom* is either *General*, or *Particular*. *General*, I call that which is allowed through all England, whereof you may read divers in *Doff. and Stud. lib. 1. cap. 7.* very worthy to be known. *Particular*, is that which belongeth to this or that County, as *Gavelkind* to Kent; or to this or that Lordship, City

or Town. *Custom* differeth from *Prescription*, for that *Custom* is common to more, and *Prescription* is particular to this or that Man. Again, *Prescription* asketh not that Length of Time to set it up as *Custom* doth, but is pleadable in a far shorter Time, viz. five Years, one Year, or less: Example of five Years *Prescription* you have in the levying of a Fine; for if a Fine duly levied of Lands and Tenements be not impugned within five Years, it excludeth all Claim for ever. And if a Man omit his continual Claim for a Year and a Day, then the Tenant in Possession describeth an Immunity against the Entry of the Demandant, and his Heir. *F. N. B.* fol. 79. *Termes de la Ley*, verbo continual Claim. Out of the Statutes you have greater Diversity, which see Collected in *Cowell's Institute*, Tit. *De Usucap. & long. temp. prescript.* So that *Brissenius* in his 14. lib. de verb. signif. saith truly; That *Prescription* is an Exception founded upon so long Time past, as the Law limiteth for the Pursuit of any Action. An Example may be taken from the Statute, 1 H. 8. cap. 4. which enacteth, That in all Actions popular, Information shall be made within three Years after the Offence committed, or else be of no Force. Of like Nature is the Statute 7 H. 8. cap. 13. which in some Cases makes one Years *Prescription* sufficient against Informations. *Custom* is also used for the Tribute, or Toll that Merchants pay to the King, for the Carrying in and out of Merchandise. 14 E. 3. Stat. 1. cap. 21. In which Signification it hath the Latin Name *Customa*. *Reg. Orig.* fol. 138. a. 129. a. 4 *Inft.* fol. 29. And lastly, for such Services as Tenants of a Manor owe to their Lord. *New Book of Entries*, verbo *Custom*.

**Customary Tenants**, (*Customarii*, vel *Tenentes per consuetudinem*) are such Tenants as hold by the *Custom* of the Manor, as their special Evidence. These were anciently Bondmen, or those that held *Tenuira Bondagii*: *Et omnes illi qui tenuerunt in Bondagii tenuira solebant vocari Customarii*. MS. de consuetud. man. de Sutton-Colfeild de An. 3 Edw. 2. See *Windas* and *Copyhold*.

**Custom-house**, Is a House in several Cities and Port-Towns, as *London*, &c. where the King's Customs are received, and all Business relating thereunto transacted. See 12 Car. 2. cap. 4.

**Customs and Services**, *Consuetudinibus & Servitiis*, Is a Writ of Right Close, which lieth against the Tenant, that deforceth his Lord of the Rent or Service due to him. Of this, see more at large in the *Old Nat. Brev.* fol. 77. *F. N. B.* fol. 151. and *Reg. Orig.* fol. 156.

**Custos Breuium**, Is the principal Clerk belonging to the Court of *Common Pleas*, whose Office is to receive and keep all the Writs, and put them on Files, every Return by it self; and at the End of every Term to receive of the *Protonotaries* all the Records of *Nisi prius*, called *The Postea*; for they are first brought in by the Clerk of the *Affise* of every Circuit to the *Protonotary* that entered the Issue in that Matter for the Entering of the Judgment. And then do the *Protonotaries* get of the Court a *Peremptory Day*, for every Party to speak what he hath to alledge in Arrest of Judgment, which Day being past, he entreth the Verdict and Judgment thereupon into the Roll of the Court: And that done he doth at the End of the Term deliver over to the *Custos Breuium* all the Records of *Nisi prius*, which came to his Hand that Term; which received he bindeth into a Bundle, and bestoweth them



them in apt Place. The *Custos Brevium* also maketh Entry of the Writs of Covenant, and the Concord upon every Fine, and maketh forth Exemplifications and Copies of all Writs and Records in his Office, and of all Fines levied. The Fines after they be engrossed, the Parts thereof be divided between the *Custos Brevium* and the *Chirographer*; whereof the *Chirographer* keepeth always the Writ of Covenant and the Note; the *Custos Brevium* keepeth the Concord and Foot of the Fine; upon which Foot the *Chirographer* doth cause the Proclamations to be endorsed, when they be all proclaimed. This Office is in the King's Gift. There is also a *Custos Brevium & Rotulorum* in the King's Bench, who fileth such Writs as are there used to be filed, and all Warrants of Attorney, and transcribeth, or maketh out the Records of *Nisi prius*, &c.

*Custos Cygnorum Regis*. See King's Swan-herd.

*Custos Placitorum Coronæ*. *Bract. lib. 2. cap. 5*. This seems to be all one with him whom we now call *Custos Rotulorum*. Of this Officer Mention is made in the Writ *De Odio & Atia*, *Reg. Orig. fol. 133*.

*Custos Rotulorum*, Is he that hath the Custody of the *Rolls*, or Records of the Sessions of Peace; and as some believe, of the Commission of the Peace it self. *Lamb. Eiren. lib. 4. cap. 3. pag. 373*. He is always a Justice of Peace and *Quorum*, in the County where he hath his Office; and by his Office is rather termed an Officer or Minister than a Judge, because the Commission of the Peace layeth by express Words this special Charge upon him. *Quod ad dies & loca predicta, Brevia, Precepta, Processus & Indistamenta predicta coram te & aliis Sociis tuis venire fac.* *Lamb. ibid.* Where you may find a large Tract concerning this Officer. Who shall appoint the *Custos Rotulorum* in every County, see *37 H. 8. c. 1. and 3 & 4 E. 6. cap. 1. & 2 Inf. fol. 674*.

*Custos of the Spiritualities, Custos Spiritualitatis vel Spiritualium*, Is he that exerciseth Spiritual or Ecclesiastical Jurisdiction, of any Diocese, during the Vacancy of the See. The Appointment of whom, by the Canon-Law, appertains to the Dean and Chapter; but at present with us in England, to the Archbishop of the Province by Prescription: Howbeit, divers Deans and Chapters, (if *Gavin* say truly in the Preface to his Readings) do challenge this by ancient Charters from the Kings of this Land.

*Custos Temporalium*, The Person to whose Custody a vacant See, or Abbey, was committed by the King, as *supreme Lord*: Who, as a Steward of the Goods and Profits, was to give Account to he *Escheator*, and he into the *Exchequer*. His Trust continued till the Vacancy was supplied by a Successor, who obtained the King's Writ *De Restitutione Temporalium*, which was commonly after Consecration, yet sometimes before.

*Custos treugarum*, Keeper of the Truce. *Edward* the Third constituted by Commission two Keepers of the Truce between him and the King of Scots, with *Nos volentes Treugam sive sufferentiam predictam quantum ad nos pertinet observari, &c.* *Rot. Scotiae 10 Edw. 3. m. 36. intus*.

*Cuth*, i. e. *Cognitus*, known.

*Cutts*, Flat-bottomed Boats, used in the Channel for transporting Horses. *A. D. 1474*. when King *Edw. IV.* came to *Dover*, the Duke of *Burgundy*, to help his Passage, sent 500 Boats of

*Holland* and *Zealand*, called *Cutts*, which are flat and low, built very commodiously for transporting of Horses. *Stow. Annal. p. 412*.

*Cutter of the Talleys*, Is an Officer in the *Exchequer*, that provideth Wood for the *Talleys*, and cuts the Sum pay'd upon them, and then casteth the same into the Court to be written upon.

*Cuba*, *Gall. Cuve. Angl. Kcev, Kcever*, A Tub or Brewing-vessel. *Vid. Cuna*. It also signifies the same with *Cupa*, a *Cup*.

*Cupnage*, Is a Word used in the Statute of *11 H. 7. cap. 4.* for the making up of Tin into that Fashion, as it is used to be framed, for the better Carriage of it into other Places.

*Cycas*, A long Garment, close upwards, and open or large below: *Matth. Paris.* speaking of the Citizens of *London*, tells us, they were *Sericis Vestimentis ornati, cycladibus auri textis circumdati. Anno 1236*.

*Cynbote*, The same with *Cenegild*.

*Cyprus*. — *Et debent habere amerciaments de expeditione canum, mel & nucei, & cyppos per totam forestam.* — *Ryley's Placit. Parl. fol. 652.* *Du Fresne*, in his *New Glossarium*, says it signifies *Rete*, a Net; but *Quere*. — I rather think, in the Authority before cited, it signifies a Sort of Berries; possibly *Hips* and *Haws*.

*Cyreath*, i. e. *Fusjurandum electum, viz. Quod quis cum aliis conjuratoribus a majori numero electis prestat*: We read it amongst the Laws of King *Athelstane*, *cap. 15. viz. Et jurant quod illud pecus interitatum, (i. e. sequestred) in peculio suo natum est, sine Rimath & stet. thes. Cyreath, i. e. Fusjurandum electum super 20 Den.*

*Cyrcapre*, (*Sax.*) *Irruptio in Ecclesiam LL. Eccl. Canoni Regis.*

*Cynckrat*, Is a Saxon Word, signifying a Tribute due to the Church, *Vestigal Ecclesie, Ecclesie Census. Primitias seminum quisq; ex eo dato domicilio in quo ipse natali die Domini commemoratur. Spelm. de Concil. vol. 1. fol. 125.* See *Churches*. See the Original of this Custom, and the Continuance of it, historically delivered, by *Mr. Kennet* in his *Paroch. Antiq. p. 603*.

*Cyprus, Scirpus*, Rushes. It was in old Times a common Practice, (and is still in some Places retained, more especially in *Wales*) to bring Rushes, and strew the Body of the Church, for the Convenience of Warmth and better Kneeling. And hence it was laid as a customary Service on some Persons, that they should find the Church with Straw in Winter, and with Rushes in the Summer. — *In Ordinatione Domini Jocelini Episcopi Bath. super thesauraria Ecclesie Wellensis, facta An. 1216. — Ordinatum est ut thesaurarius inveniat cypros per statem. Reg. Dec. & Capit. Well. MS.*

D.

*Dacra*. *Johannes Birt posuit in quadam navem decem Dacras corci laneati 23 Aug. 39 Eliz. Placit. An. 41 Eliz.*

*Daggerius, Daggardus*, *Gall. Dagne, Brit. Daga, Engl. Dagger.* — *Habentes cultell, quos daggerios vulgariter dicunt. Henr. Knyghton in Ed. III.*

*Dagus*. See *Deis*.

*Dailus, Daila, Dailus*, A certain Measure of Land, *viz. Et totam Dailam marisci tam de rossa quam de prato, &c. Monasticon, 2 Tom. p. 211.* In some Places 'tis taken for a Ditch or Vale, *hinc Anglice, a Vale* is called a *Dale*. *Du Cange.*

*Dais*.

**Dais.** See *Deis*.

**Dakir,** By the Stat. *De Compositione Ponderum & Mensurarum*, 51 H. 3. a Last of Hides consists of twenty *Dakirs*, and every *Dakir* of ten Hides: But by 1 *Fac. cap. 33.* a Last of Hides is twelve Dozen. See *Dicker of Leather postea*.

**Dalmatica,** A Garment with large open Sleeves, used at first only by Bishops, so called, because it first came from *Dalmatia*,

*Candida ut extensis niteat Dalmatica rugis,  
Fimbria neve erret huic sine lege laevis.*

**Dalus, Dailus, Dayla,** A Dale, a Valley, or low Place. — *Et in eadem villa terram trium carrucarum, & tres dalos prati, & unum hulum.* Mon. Angl. tom. 1. p. 680. & *totam daylam marisci, tam de rossa, quam de prato.* Mon. Angl. Tom. 2. p. 211. The *Dali prati* abovementioned, seem to be such Balcks or narrow Slips of Pasture, left between the ploughed Furrows in arable Land, which in some Parts of England are still called *Doles*, and *Dools*. The old British *Dol*, and *Doldir* was a Vale. And the present *Welsh* use the Word *Dol*, for a low Meadow by a River Side. This the original Name and Nature of *Deal* in *Kent*, where *Cæsar* landed, and fought the Britains: *Cæsar ad Dole bellum pugnabit.* Nennius.

**Damage, Damnum,** Generally signifieth any Hurt, or Hindrance that a Man taketh in his Estate; but in the Common Law it is a Part of that the Jurors be to enquire of, passing for the Plaintiff or Defendant in a civil Action, be it Personal or Real. For after Verdict given of the principal Cause, they are likewise asked their Consciences touching Costs (which be the Charges of Suit, called of the Civilians, *Expensa Litis*) and Damages, which contain the Hindrance that the Plaintiff or Demandant hath suffered, by Means of the Wrong done to him by the Defendant or Tenant. *Co. on Lit. fol. 257.* By the Statute 48 E. 3. 22. a Means for the Recovery of Damages was given to the Defendant in an Appeal, when he was acquitted of the Felony. And the Statute of *Westm. 2. Anno 13 E. 1. cap. 12.* gave a more expeditious Redress, than a Writ of Conspiracy against Procurers and Abettors. This Word *Damage* is taken in the Law in two several Significations; the one properly and generally, the other strictly and relatively; Properly, as it is in the Cases where Damages are founded upon the Statute of 2 H. 4. cap. 1. and 8 H. 6. cap. 9. where Costs are included within this Word *Damages*: For *Damage* in its proper and general Signification, is said *a demendo*, when a Thing by Diminution is made worse; and in this Sense, Costs of Suits are Damages to the Plaintiff, for by it his Substance is diminished. But when the Plaintiff declares the Wrong done to him, to the Damage of such a Sum, this is to be taken relatively, for the Wrong which is passed before the Writ brought, and are assessed by Reason of the Trespas aforesaid, and cannot extend to Costs of Suit, which are future, and of another Nature. See *Co. lib. 10. fol. 116, 117.*

**Damage cleere, Damna clericorum,** Is now assessed by the tenth Part in the Common Pleas, and the twentieth Part in the King's Bench and Exchequer, of all Damages, (exceeding five Marks) recovered either by Verdict, Confession, or Judgment of the Court, in all Actions upon the Case, Covenant, Trespas, Battery, False Imprisonment, Dower, and all others, wherein the Da-

mages are uncertain, which the Plaintiff must pay to the Prothonotary, or Chief Officer of that Court, wherein they are recovered, before he shall have Execution for them. This was no other originally than a Gratuity given to the Prothonotaries and their Clerks, for drawing special Writs and Pleadings, which afterwards grew to a Certainty; and was, as some have fancied, of old, a tenth Part of the Damages recovered: For it appears by ancient Records, that it hath been uncertain, sometimes a Sixth, and at other Times a Third Part. This is taken away by 17 Car. 2. cap. 6. from and after the 29th of Septemb. 1672. and till that Time was to be paid out of such Monies only as shall be actually levied, or otherwise paid by the Defendants, and only for the Proportion of the Money which shall be so levied or paid, and no more, or otherwise.

**Damage fresant,** That is, doing Hurt or Damage, and is when a Stranger's Beasts are in another Man's Ground, without License of the Tenant of the Ground, and there do feed, tread, and otherwise spoil the Corn, Grass, Woods, and such like: In which Case the Tenant, whom they damage, may therefore take, distrain, and impound them as well in the Night, as in the Day. But in other Cases, as for Rent and Services, and such like, none may distrain in the Night. *Stat. de districtione Scaccar. An. 51. Hen. 3.*

**Damifella,** A light Damofel, a Mifs. — *Willielmus Hoppelhort tenet dimidiam virgatum terra in Bockhamton de domino Rege, per servitium custodiendi sex Damifellas, scilicet Meretrices, ad custum Domini Regis.* 12 Ed. I. i. e. by Pimp-Tenure. See *Blount's Tenures*, p. 39.

**Damnum, Infra damnum suum,** Within the Bounds or Limits of his own Property, or Jurisdiction. — *Si quis invenerit in damno suo aucas, gallinas aut capras, &c.* Braët. lib. 2. de Coron. ca. 37. — *Animalia in Damnis dictorum Fratrum inventa.* Mon. Angl. Tom. 2. p. 862. Hence a *Dam*, a Boundary or Confinement; to dam up, to dam out.

**Dan,** The better Sort of Men had the Title of *Dan*, as the Spaniards *Don*, from the Latin *Dominus*.

**Danegelt, or Dane-geld,** (Gelt in Dutch signifies Money) was a Tribute laid upon our Ancestors of 1 s. after of 2 s. for every Hide of Land, through the Realm, for clearing the Seas of Danish Pirates, which heretofore greatly annoyed our Coasts. *Camb. Britan. 142.* King *Ethelred* being much distressed by the continual Invasion of the Danes, to procure his Peace, was compelled to charge his People with heavy Payments, called also *Danegelt*. As first, he paid 10000 l. then 16000 l. then 24000 l. after that 36000 l. and lastly 48000 l. to the Danes. This *Danegelt* was released by St. Edward the Confessor, but levied again by William the First and Second: Released by Henry the First, and finally by King Stephen. See *Hoveden, par. post. Annal. fol. 344. a. Spelman's Glossarium,* and *Selden's Mare clausum. fol. 196.* — *Et sint quieti de Lene, Danegeld & Gaywithinte & de omnibus aliis consuetudinibus, &c.* Charta Hen. 7. Ballivis & Burgens. Mountgomer.

**Danelaga.** See *Merchenlage*.

**Danger, Dangeria,** A Payment in Money, made by the Forest-Tenants to the Lord, that they might have Leave to plough and sow in Time of *Pannage*, or Mast-feeding; in some Places called *Lyef-silver*, and *Lef-silver*.

**Danmonii,**

**Danmonii**, Cornwall and Devonshire.

**Danmoniozum p̄omontoziuni**, The Lizard in Cornwall.

**Danum**, Doncaster in Yorkshire.

**Dapifer**, *A Dapes ferendo*. At first a domestick Officer, like our Steward of the Household, or rather Clerk of the Kitchen; then by Degrees, any fiduciary Servant, especially the Chief Steward, or Head Bailiff of any Honour, Barony, or Manor. I think *Dapifer Regis*, is in most of our Records, to be taken for Steward of the King's Household.

**Dardus**, i. e. A Dart. In *Wales* an Oak is called *Dar*, and *Dart* is *Telumi*.

*Scuta tonant, dardique volant.*

**Dare ad remanentiam**, (*Glanvil, lib. 7. cap. 1.*) To give away in Fee, or for ever. See *Remainder*.

**Darreine** Is a Corruption from the French *Derrier*, i. e. *ultimus*: and we use it in the same Sense; as

**Darrepne Continuance**. See *Continuance*.

**Darrepne Presentment**, *Ultima presentatio*. See *Affise of Darryene Presentment*.

**Date**, The ancient Deeds had no Dates, but only the Month and the Year, to signify that they were not made in Haste, or in the Space of a Day, but upon longer and more mature Deliberations; and the King's Grants began with these Words, *Presentibus & futuris*, &c. but the Grants of common Persons began with *Omnibus presentes literas inspecturis*, &c.

**Dates**, Is the Fruit of the Tree, in Latin called *Palma*, in English the *Date-tree*; of which who will understand the Nature or Diversities, may read *Gerrard's Herbal, lib. 3. cap. 131*. They be numbred among the Spices and Drugs to be garbled. 1 *Jac. 19*.

**Datife**, or *Datife*, That may be given, or disposed at Will and Pleasure.—— *Whether a Prior shall be Datife, and Removeable, or Perpetual, shall be tried by the Ordinary. Anno 9 Rich. 2. cap. 4. Si Prior Datife & Removeable, suffer Escape, respondet Superior. 45 Ed. 3. 9. 10.*

**David**, *St. David's Head*. See *Oppiditatum Promontorium*.

**Davach**, *Davata Terra*, A Portion of Land in Scotland so called.—— *Apud priscos Scotos, one Davach of Land, quod continet quatuor aratra terre, quorum unumquodque trahitur octo bobus. Skene—Non fiet taxatio juxta numerum davatarum, seu baroniarum; sed secundum verum valorem bonorum. Statut. David. Reg. Scot. cap. 48.*

**Day**, *Dies*, Is sometimes used in the Law for the Day of Appearance in Court, either originally, or upon Assignation, and sometimes for the Returns of Writs. For Example, *Days in Bank* be Days set down by Statute, or Order of the Court, when Writs shall be returned, or when the Party shall appear upon the Writ served: And of this you may read the Statutes 51 H. 3. cap. 1, 2. *Marl. cap. 12. 52 H. 3. and 32 H. 8. cap. 21*. To be dismissed without Day, is to be finally discharged the Court. *Kitchin fol. 193*. He had a Day by the Roll, *Id. fol. 197*. that is, he had a Day of Appearance assigned him. *Day, Year, and Waste. See Dies and Year.*

**Days-Man**, In some Northern Parts of England, any Arbitrator, Umpire, or elected Judge is commonly termed a *Deies-man*, or *Days-man*: Which reminds me of what Dr. Hammond well

observes, in his Annotations on *Heb. 10. 25*. That the Word *Day*, in all Idioms, doth signify Judgment. So 1 *Cor. 3. 13. Ἀποκρινῶμεθα*, is Human Judgment. And on this Occasion, it may not be improper to observe, (because no Notice has been yet taken of so small a Matter) that the Addition of *Dey* or *Day*, to the *Doom-book*, or *Liber Judicialis*, the General Survey, in Time of *Will. Conq.* was not meant with any Allusion to the Final Day of Judgment, as most Persons have conceived: For *Day* does not augment the Sense of the Word, but only doubles, and confirms the same Meaning: I say, The Syllable *dey* or *day*, in that Composition, does not really signify the Measure of Time, but the Administration of Justice. So as *Domesday-Book* is but more emphatically, the judicial decisive Record, the Book of dooming Judgment, and decreeing Justice.

**Days of Execution**, A Term used in the Exchequer; for the Explanation whereof, see *Remembrancer*.

**Daveria**, The *Dayrie*, *Dairy*, It is derived by Dr. Skinner from the Fr. *Derriere*, as if the Dairy were on the back Part, or behind the rest of the House. The learned Fr. *Junius* is no more happy, when he refers it to the Greek, *Δαίρη*, & per Syncope, *δαίρη*. *Hesychio exponitur Δαίρησαν ἑμπεριεῖς, gnara, perita. Non enim cujusvis est curare lacticiuia, sed a lacticiuiis edulia concinnatarum singulari rusticarum rerum experientia inbutam esse oportet. Omnino interim hic pertinet, quod Gallis Dariole dicitur cibi genus, quod iisdem Gallis alias nuncupatur, Laiçeron, vel Flan de Laiç. Ac fortasse quoque Darnis ab eadem origine; Darcre dictum est jentaculum, quod Septentrionales lacticiuiis jentare sunt soliti. Both these Conceits of Skinner and Junius, are trifling Conjectures. And indeed nothing has more exposed the noble Studies of Etymology, than the Fancies and Flights of some great Men; who by indulging their Wit, and their Invention, have made such odd and far-fetched Allusions, as nothing but a like Heat of Fancy, could imagine or believe. But to return, the Word *Deirie* or *Dairy* is originally English, from *Day*, *Deie*, Sax. *Dag*; and signified at first the daily Yield of Milk-Cows, or the daily Profit made of them. As a *Day-were* of Land, was one Day's ploughing, which the French called *Journal*, Lat. *Fornale*; and our Mid-land Farmers still call a *Fourny*. So in *Lorrain* and *Champagne*, they now use the Word *Dayer*, for the Meeting of the Day labouring Women to give an Account of their daily Work, and receive the Wages of it. Hence any young Artificer, who assists a Master Workman, is still called a *Journey-man*. As a *Thresher*, *Hedger*, &c. who works by the Day, is termed a *Days-man*. And I am apt to think, that the Woman hired by the Day, to help in the Kitchen, &c. usually called a *Chair-woman*, is no more than a *Four-woman*, or *Fourn-woman*. A *Dairy* in the North, is called *The Milkness*; as the *Dairy-maid*, is in all Parts a *Milk-maid*: She is called *Androckia* by *Fleta*, lib. 2. cap. 87. *Androckia pudica esse debet, & laboriosa daerix—Compositus Henrici Deyc, & Johannæ uxoris suæ, de omnibus exitibus, & proventibus de Dayri Domini Prioris de Burncestre. Paroch. Antiq. p. 548.—Computant de xxxv. solid. vi. den. receptis de dayeria de la Breche, Id. p. 570.**

**Daywere of Land**, As much arable Ground as could be ploughed up in one Day's Work, or one *Fourny*, as the Farmers still call it.

*Confirmavi Abbati & Conventui de Rading, tres acras,*

*acras, & Jexidecem Daywere, de terra arabil.* Cartular. Rading. MS. f. 90. a.

**Dapnyune,**—*In manerio de Stiventon, Com. Berk. virgatarii secabunt in Autumno per tres dies septimana, & tunc quilibet secabit dimidium acra, & vocatur Daynyune.* Placit. An. 9 Ed. 1.

**Deadly Feud** (*Feuda & Faida*) is a Profession of an irreconcilable Enmity, till we are revenged even by the Death of our Enemy. It is deduced from the German Word (*Feed*) which, as *Hottoman*, (in *verbis Feudalibus*) saith, *Modo bellum, modo capitales inimicitias significat.* It is used Anno 43 Eliz. c. 13. And such Enmity and Revenge was allowed by our ancient Laws in the Time of the Saxons, viz. where any Man was killed, if a pecuniary Satisfaction was not made to the Kindred, it was lawful for them to take up Arms and revenge themselves on the Murderer, and this is called *Deadly Feud*, and probably this was the Original of an Appeal.

**Dead Pledge, Mortuum vadium.** See *Mortgage*.

**Deafforested**, That is, discharged from being *Forest*, or exempt from the *Forest-Laws*, 17 Car. 1. cap. 16. *Johannes Dei Gratia, &c. Archiepiscopus, Episcopus, &c. Sciatis nos omnino Deafforestasse Forestam de Brewood de omnibus que ad Forestam & Forestarios pertinent. Quare volumus & firmiter precipimus quod predicta Foresta & homines in illa manentes & heredes eorum sint Deafforestati imperpetuum, &c.* Dat. apud Brug. 13 Martii Anno regni nostri 5.

**Dean**, (Gr. *Διδων* & *Δέκω*, *decem*) is an Ecclesiastical Magistrate or Dignitary, so called, because he presides over Ten Canons or Prebendaries at the least. We call him a Dean that is under the Bishop, and Chief of the Chapter, ordinarily in a Cathedral-Church; and the Rest of the Society or Corporation we call *Capitulum*, the Chapter. But how diversly this Word is used, read *Lyndeswode*. Tit. *De Constitut.* cap. 1. verbo, *Decani Rurales*; where *Rural Deans* are said to be certain Persons that have Jurisdiction Ecclesiastical over other Ministers and Parishes near adjoining, assigned them by the Bishop and Archdeacon, being placed and displaced by them: Such are the *Dean of Croyden in Surrey*, *Dean of Battel in Suffex*, &c.

As there are two Foundations of *Cathedral-Churches in England*, the old and the new, (the new are those which *Henry the Eighth* upon Suppression of Abbies transformed from Abbot, or Prior and Convent, to *Dean and Chapter*) so there are two Means of creating these *Deans*: For those of the old Foundation were exalted to their Dignity much like Bishops; the King first sending out his *Conge d'Eslire* to the Chapter, the Chapter then chusing, the King yielding His Royal Assent, and the Bishop confirming him, and giving his Mandate to install him. Those of the new Foundation are by a shorter Course installed, by Virtue of the King's Letters Patent, without either Election or Confirmation. This Word is also applied to divers that are the Chief of certain peculiar Churches or Chapels, as the *Dean of the King's Chapel*, the *Dean of the Arches*, the *Dean of St. George's Chapel at Windsor*, &c. *Nec Collegio alicui prefecti, nec jurisdictione ulla donati, nomine tamen velut honoris gratia insignes*, says *Spelman*.

**Deawarrennata**, Diswarrenned; when a *Warren* was broke up, and laid in Common. King *Henry III.* in a Charter to the Citizens of *London*, dated 18 Aug. Anno Reg. II. grants to them, *quod tota Warrena de Stanes, cum pertin. suis sit*

*dewarrennata, & deafforestata in perpetuum*—*Placit. temp. Edw. I. & Edw. II. MS. f. 144.*

**De bene esse**, Are common *Latin Words*, but their Meaning is something more dark: As thus, To take or do a Thing *de bene esse*, is to allow or accept for the present, till it comes to be more fully examined, and then to stand or fall, according to the Merit of the Thing, in its own Nature, so that *valeat quantum valere potest.* So in *Chancery*, upon Motion for one of the less principal Defendants to be examined, the Court sometimes will order it *de bene esse*, that is, he may be examined, but so, that upon Hearing, and fully examining the Case, his Deposition may be allowed, or suppressed, as the Court shall think fit. See *Langham's Case*, Cro. 3 par. fol. 68. So also at Common Law, the Judges frequently take Bail *de bene esse*, that is, to be allowed or disallowed upon the Exception, or Approbation of the Plaintiff's Attorney; however in the *Interim*, they have a Well-being, or conditional Allowance.

**Debenture** was by a *Rump-Act* in 1649, ordained to be in the Nature of a Bond or Bill, to charge the Commonwealth (forsooth) to pay the Soldier-Creditor, or his Assigns, the Sum due upon auditing the Account of his Arrears. The Form of which *Debenture*, as then used, you may see in *Scobel's Rump-Acts*, Anno 1649, cap. 63. The Word is also mentioned in the *Act of Oblivion*, 12 Car. 2. cap. 8. Sect. 7. and is used in the *Exchequer*. See *Auditor of the Receipts*. In the King's House, *Debentures* are given usually to the King's Servants, for the Payment of their Wages, Board-Wages, and the like.

**Debet & solet**, Are Words frequently used by the Writers of the Common Law. For Example, it is said in the *Old Nat. Brev.* fol. 98, *This Writ de sexta Molendini*, being in the *debet & solet*, is a Writ of Right, &c. And again, fol. 69. a Writ of *Quod permittat*, may be pleaded in the County before the Sheriff, and it may be in the *debet & solet*, or in the *Debet* without the *Solet*, according as the Demandant claimeth; wherefore Note, That those Writs that be in this Sort brought, have these Words in them, as formal Words, not to be omitted: And according to the Diversity of the Case, both *debet* and *solet*, or *debet* alone: That is, if a Man sue to recover any Right by Writ, whereof his Ancestor was disseised by the Tenant, or his Ancestor, then he useth only the Word *debet* in his Writ; because *solet* is not fit, by reason his Ancestor was disseised, and the Custom discontinued: But if he sue for any Thing that is now first of all denied, then he useth both these Words, *debet & solet*; because his Ancestors before him, and he himself usually enjoyed the Thing sued for, as Suit to a Mill, or Common of Pasture, until the present Refusal of the Tenant. The Like may be said of *Debet & Detinet*: As appeareth by the *Reg. Orig.* in the Writ *De debito*, fol. 140.

**Debito**, or *De debito*, Is a Writ which lieth, where a Man oweth to another a certain Sum of Money, upon an Obligation, or other Bargain, for any Thing sold unto him. *F. N. B.* fol. 119. This Writ is sometimes made in the *Detinet*, and not in the *Debet*, which properly falleth out, where a Man oweth an Annuity, or a Quantity of Wheat, Barley, or such like, which he refuseth to pay. *Old. Nat. Brev.* fol. 75. See before *Debet & solet*.

**Deceit**, (*Deceptio, dolus*) Is a subtle, wily Shift, or Trick; whereunto may be drawn all Manner



of Craft, Subtilty, Guile, Fraud, Slight, Cunning, Covin, Collusion and Praetise used to deceive another Man by any Means; which hath no other more proper or particular Name than *Deceit*, or Offence. *West. pag. 2. Symbol. Tit. Indictments. Sect. 68.* See *Cosening*, and *new Book of Entries, verbo Disceit.*

*Decem tales.* See *Tales.*

*Decenna*, and *Decenniers.* See *Deciners.*

*Decennary* (*Decennaria*) The Limits or Compaſs of ten Friburghs. See *Deciners.*

*Decentum.* See *Faufetum.*

*Deceptione.* Is a Writ that lieth properly againſt him, that deceitfully doth any Thing in the Name of another, for one that receiveth Damage or Hurt thereby. *F. N. B. fol. 95.* This Writ is either *Original*, or *Judicial*; as appeareth by the *Old. Nat. Brew. fol. 50.* where you may read the Uſe of both: For ſome Satisfaction, take the Words of that Book; This Writ of *Deceit*, when it is *Original*, lieth in Caſe where *Deceit* is uſed by one Man to another, by which *Deceit* he may be diſherited, or otherwiſe evil-intreated, as appeareth by the *Register*, &c. And when it is *Judicial*, then it lieth out of the Rolls of Record; as in Caſe where a *Scire facias* is ſent to the *Sheriff*, that he warn a Man to be before the Juſtices at a certain Day, and the *Sheriff* returns the Writ ſerved, whereas the ſaid Man was not warned, by which the Party that ſued out the *Scire facias* recovereth; then the Party which ought to have been warned, ſhall have the ſaid Writ againſt the *Sheriff*. In the *Terms of the Law, verbo Deceit*, it is ſaid, That the *Original Writ of Deceit* lieth, where any *Deceit* is done by a Man to another, ſo that he hath not ſufficiently performed his Bargain, or Promise: In the *Writ Judicial*, he concurrerh with the former Book. See *Reg. Orig. fol. 112.* and the *Regiſt. Judicial*, in the Table, *verbo Deceptione.*

*Decies tantum* Is a Writ that lies againſt a Juror, who hath taken Money for giving his Verdict; called ſo of the Effect, becauſe it is to recover *Ten-times* ſo much as he took. It lies alſo againſt *Embracers* that procure ſuch an Enqueſt. *Anno 38 Ed. 3. cap. 13. Reg. of Writs, fol. 188. F. N. B. fol. 171. New Book of Entries, verbo, Decies tantum.*

*Decimæ, Tithes:* 'Tis well known what is meant by Tithes in the Old Teſtament, but 'tis not ſo plain in the New Law, when Tithes were firſt given to the Priests: Some are of Opinion that it was not long before the Time of *Charles the Great*; and particularly *Father Paul*, in his *Italian Treatiſe Di materie beneficii*. But this muſt be a Miſtake; becauſe we find that in the ſecond Council of *Matifcon, Anno 585. cap. 5.* it was long before that Time, *viz. Leges divina conſulentes ſacerdotibus Eccleſiarum pro hereditatis portione omni populo præceperunt, Decimas fructuum ſuarum, &c. Unde Statuimus ut mos antiquus a fidelibus reparetur, & Decimas Eccleſiaſticis famulantibus ceremoniis populus omnis inferat, &c.*

*Decimation, Decimatio,* The Punishing every tenth Soldier by Lot, was termed *Decimatio Legionis*: It may be ſtretched to ſignify Tithing, or paying the tenth Part. There was another Sort of *Decimation* in the late Times of *Uſurpation*, which too many of his Maſteſty's Loyal Subjects have ſo much ſad Cauſe to remember, that I need not renew the Memory of it.

*Decimis ſolvendis pro Poſſeſſionibus alienigenarum,* Is a Writ, or Letters Patent, yet extant

in the *Register*, which lay againſt thoſe that had farmed the *Priors Aliens* Lands of the King, for the Rector of the Pariſh, to recover his Title of them. *Reg. Orig. fol. 179.*

*Deciners, alias Decenniers, alias Doſiners, Decennarii,* Cometh of the French *Dizienne, i. e. Decas, Ten.* It ſignifieth in the ancient Monuments of our Law, ſuch as were wont to have the Overſight and Check of Ten Friburghs, for the Maintenance of the King's Peace; and the Limits or Compaſs of their Jurisdiction was called *Decennâ. Bract. lib. 3. tract. 2. cap. 15.* Of whom you may alſo read *Fleta, lib. 1. cap. 27.* and *Reg. Orig. fol. 98. b.* Theſe ſeemed to have large Authority in the Saxons Time, taking Cogniſance of Cauſes within their Circuit, and redreſſing Wrongs by Way of Judgment, as you may read in the Laws of King *Edward*, ſet out by *Lamb. numb. 32.* In later Times Mention is made of theſe, as in *Britton, cap. 12.* who ſaith in the King's Perſon (as he writeth his whole Book in that Manner) 'We will that all thoſe that be fourteen Years old, ſhall make Oath, that they will be ſufficient and loyal unto Us, and that they will neither be Felons, or aſſenting to Felons; and We will that all be *en dozeine & pleins per dozeners*, that is, profeſs themſelves of this or that *dozeine*, and make or offer Surety of their Behaviour, by theſe or thoſe *Dozeniers*, except religious Perſons, Clerks, Knights, and their eldeſt Sons, and Women.' Yet the ſame Author in his 29 Chapter, towards the End, doth ſay, That all of twelve Years old, and upwards, are puniſhable for not coming to the Turn of the *Sheriff*, except Earls, Prelates, Barons, Religious Perſons, and Women. *Stauſdf. plac. cor. f. 47.* out of *Fitzherbert* hath theſe Words, 'The ſame Law is, where the *Dozeniers* make Preſentment, that a Felon is taken for Felony, and delivered to the *Sheriff, &c.* And *Kitchin*, out of the *Register*, and *Britton* ſaith thus, Religious Perſons, Clerks, Knights, or Women, ſhall not be *Deciners*, *fol. 33.* From all which Premiſſes may be gathered, That of late Times, this Word ſignifieth nothing but ſuch a one as by Oath of Loyalty to his Prince, is ſettled in the Combination or Society of a *Dozein*. And a *Dozeine* ſeemeth to extend ſo far as every *Leet* extendeth; becauſe in *Leets* only this Oath is miniſtered by the Steward, and taken by ſuch as are twelve Years old, and upwards, dwelling within the Compaſs of the *Leet*, where they are ſworn. *F. N. B. fol. 161. a.* The particular of this Oath you may read in *Bracton, lib. 3. tract. 2. cap. 1. num. 1.* where he ſetteth down Fifteen Years for the Age of thoſe that are ſworn to the King's Peace; but *lib. 3. tract. 2. cap. 11. num. 5.* he nameth Twelve Years. See *Inlaughe*. From hence we may note the Diverſities between the ancient and preſent Times, in this Point of Law and Government; as well for the Age of thoſe that are to be ſworn, as alſo that *Decennier* is not now uſed for the Chief Man of a *Dozen*, but him that is ſworn to the King's Peace: And laſtly, That now there are no other *Dozeins*, but *Leet*; and that no Man ordinarily giveth other Security for the Keeping of the King's Peace, but his own Oath. And that therefore none answereth for another's Tranſgreſſion, but every Man for himſelf. See *Frank pledge*, and 2 *par. Inſt. fol. 37.*

*Declaration, Declaratio,* Is a Shewing in Writing the Grief and Complaint of the Demandant or Plaintiff, againſt the Defendant or Tenant, wherein

wherein he is supposed to have done some Wrong. And this ought to be plain and certain, both because it impeaches the Defendant, and also compels him to answer thereto. Such a Declaration, in an Action Real, is termed a *Count*: Note, That the *Count* or Declaration, ought to contain *Demonstration*, *Declaration*, and *Conclusion*: In *Demonstration* are contained three Things: *Quis queritur, contra quem, & pro qua causa*. In the *Declaration* there ought to be comprised, *Quomodo inter partes Actio accrevit, quando & qua die, anno & loco, & cui dabitur*. And in the *Conclusion*, he ought to aver, and proffer to prove his Suit, and shew the Damages he has sustained by the Wrong done him. See *Count*.

*Decretals, Decretales*, Are a Volume of the Canon-Laws, containing the *Decrees* of sundry Popes; or else a Digest of the Canons of all the Councils, that pertained to one Matter under one Head.

*Decretals* are *Instituta proprie Papae, praecepta vero Regum*. They were compiled into one Body by *Regino, Burchardus, Anselmus* Bishop of *Luca*, and *Ivo* Bishop of *Chartres*; and afterwards by *Gratian*, who lived in the Pontificate of *Eugenius* the Third: And because his Compilation was generally received and approved by the Church, it was called *The First Collection of the Decretals*; of which you may read at large in *Baluzius*, in his Preface to the Dialogues of *Anthony Augustine, &c.* In this were contained the *Decrees* of *Alexander* the Third, to the Time of *Celestine* the Third.

The Second Collection of the *Decretals* was performed by *Gilbertus* and *Alanus*, and came out under the Name of *Volateran*; who Twelve Years after the First Collection published this Second, containing not only the *Decretals* of former Popes, but those of *Celestine* the Third.

The Third Collection was begun by *James* Major Archdeacon of *Compostella*, and collected out of the Registers of *Innocent* the Third: It was called *Romana Compilatio*: But because there were many Things in it not generally received, therefore that Pope was prevailed on that by his Authority some Person might be appointed to make another Collection; and accordingly *Petrus Beneventanus*, a Notary, was appointed for that Work, which was the first Collection that was published by Authority.

The Council of *Lateran*, held under the same Pope *Innocent*, was the Occasion of publishing the fourth Collection: In which Council there were several Canons made, and reduced under Seventy-one Chapters. That Pope having, in the Space of five Years after the Publishing the third Collection, made many more *Decrees* himself, there were two Editions printed; one of the Canons of that Council, and another of his own Constitutions. And this was called *The fourth Collection*.

The fifth Collection consists of the Constitutions of *Honorius* the Third, collected by *Tancred*, Archdeacon of *Bologna*, and published by *Innocentius Cyronus* under the Name of that Pope. *Du Cange*.

*Decuriare, i. e.* To bring into Order: *Si vero crimen, &c. procurator loci commiserit, agatur rationabiliter de eo, quod de Regis agitur Praeposito, (viz.) Ut eo rite Decuriato ac iusto ordine depulso, ille qui dignus sit Christo designetur.* Mon. 1. Tom. 243.

*Dedbanna*, Sax. *Dadbana*, An actual Homicide, or Man-slayer; *ex Dæd, Factum, & bana*, *Homicida*.— *Qui ad occidendum aliquem innoxium Redbanna, vel Dedbanna, fuerit convictus noxe,*

*componat inde solus.* Leg. Hen. I. cap. 85. That is, If any one be convicted of the Crime of killing another, either as *Redebane*, or Accessary by his Counsel, and Persuasion, or as *Dede-bane*, or Actual and Deed Committer of the Murder, then he shall himself alone compound for his Fine, or Satisfaction.

*Wædi* Is a Warranty in Law, to the Feoffee and his Heirs: As if it be said in a Feoffment, *A. B. hath given and granted, &c.* It is a Warranty. Co. on Lit. 384. a.

*Dedication-day, Festum dedicationis.* The Feast of Dedication of Churches, or rather the Feast-Day of the Saint and Patron of a Church, which was celebrated not only by the Inhabitants of the Place, but by those of all the neighbouring Villages, who usually came thither; and such Assemblies were allowed by the King. *Ad Dedicationes, ad Synodos, &c. venientibus sit summa pax.* It was usual for the People to feast and drink on those Days; and in many Parts of England they still meet every Year in Villages for this Purpose, which Days are called *Feasts*. See at large the History of the Institution and Observance of Wakes, or Feasts of Dedication, in Mr. *Kenner's* Paroch. Antiq. p. 610.

*Dedimus Potestatem* Is a Writ, whereby a Commission is given to a private Man, for the speeding of some Act appertaining to a Judge. The *Civilians* call it *Delegationem*: And it is granted most commonly upon Suggestion, that the Party which is to do something before a Judge, or in Court, is so feeble, that he cannot travel. It is used in divers Cases, as to make a personal Answer to a Bill in *Chancery*, to make an Attorney for the following of a Suit in the County, Hundred, Wapentake, &c. *Old Nat. Breo. fol. 20.* To levy a Fine, *West. Symb. par. 2. Tit. Fines, Sect. 112.* and divers other Effects, as you shall see by *F. N. B.* in divers Places. In what Diversity of Cases this Writ, or Commission, is used see in the Table of the *Reg. Orig. verbo* *Dedimus Potestatem*.

*Deed Liber.* See *Deva* and *Seteia*.

*Deed, (Factum)* is an Instrument written in Parchment or Paper, consisting of three Things, viz. *Writing, Sealing, and Delivery*, and comprehending a Contract or Bargain between Party and Party. Of which there are two Sorts, *Deeds indented* and *Deeds Poll*; which Names arise from the Form or Fashion of them, the one being cut in and out in the Top or Side, which we call *Indented*, the other being plain. A *Deed indented* is a *Deed* consisting of two Parts, or more, (for there are *Tripartite, Quadrupartite, and Semptempartite* *Deeds*; as that of *Henry 7.* concerning his Royal Chapel at *Westminster*;) in which it is expressed, That the Parties thereto have to every Part thereof interchangeably set their several Seals. The Cause of their *Indenting* is, that it may appear they belong to one Business or Contract. A *Deed Poll*, or polled (anciently called *Charta de una parte, or Charta simplex*;) is a plain *Deed* without *Indenting*; and is used, when the Vendor for Example only seals, and there is no Need of the Vendee's Sealing a Counterpart, by Reason the Nature of the Contract is such, as it requires no Covenant from the Vendee; unless in such Case the Vendor will, out of Caution or Curiosity, have a Counterpart, to see, upon any Occasion, what Covenants himself hath given. See *Coke* on *Litt. fol. 35. b.* See *Date*.

*Deemsters,*

**Deemsters, or Demsters,** (from the Saxon *Dema*, i. e. a Judge or Umpire.) *All Controversies* (in the Isle of Man) are decided without Process, Writings, or any Charges, by certain Judges, whom they chuse from among themselves, and call Deemsters. Camb. Brit. Tit. Brit. Islands.

**Deersfeld,** (Sax. *Deor, Fera, and Falda, Stabulum*) occurit apud Ælfredum pro vicario cervino, vel sepimento quo includuntur damæ. A Park.

**Deer-Hays,** Arc Engines, or great Nets, made of Cords, to catch Deer. Anno 19 Hen. 7. c. 11.

**De essendo quietum de Telonio,** Is a Writ which lieth for them, that are by Privilege freed from the Payment of Toll; of which read at large F. N. B. fol. 226.

**De expensis Militum** Is a Writ commanding the Sheriff to levy so much a Day for the Expences of a Knight of the Shire, and a like Writ to levy two Shillings a Day for every Citizen and Burghers, called *De Expensis Civium & Burghensium*. 4 Inst. fol. 46.

**De facto,** A Thing actually done, done in very Deed.

**Default, Defalta,** Cometh from the French *Default*, and is an Offence in omitting that which we ought to do. *West. Symb. par. 2. Tit. Indictment, sect. 2.* Of this *Bracton* hath a large Discourse, lib. 5. tract. 3. By whom it appeareth, That a *Default* is most notoriously taken for Non-appearance in Court at a Day assigned. Of this you may read *Fleta, lib. 6. cap. 14.*

**Defamation; Defamatio,** Is when a Man speaks slanderous Words of another Man, of a Court of Justice, Magistracy, or Title of Land; for which the Party shall be punished, according to the Nature and Quality of the Offence. Sometimes by Action upon the Case for Slander; at other Times in the Ecclesiastical Courts; as if a Man contrive any false Lies against Prelates, Dukes, Earls, &c. then an *Actio de Scandalis Magnatum* will lie by the Statute 2 R. 2. cap. 5. But for Defamations in the Spiritual Courts to be determined, they ought to have three Incidences. First, To concern Matter merely Spiritual, and there triable; as to call a Man Heretick, Schismatick, Adulterer, &c. Secondly, That it concern Matter merely Spiritual. Thirdly, That is only for Punishment of the Fault, for the Soul's Health of him that offends. For the Slander or Defamation of a Title of Lands, see Co. lib. 4. fol. 18.

**Defaillance, or Defeillance,** (of the French *Defaire*, i. e. To undo, or defeat) signifies a Condition relating to a Deed, as to a Recognisance or Statute, which being performed by the Recognizor, the Deed is disabled and made void, as if it never had been done. The Difference between a *Proviso* or Condition in a Deed and a *Defeillance*, is, that those are inserted in the Deed or Grant, this is usually in a Deed by it self. Of which you may read *West* at large, par. 1. *Symb. lib. 2. sect. 156.*

**Defence,** — Rot. Parl. 21 Edw. 3. *Cries and Defence was made throughout England,* — i. e. Proclamations and Prohibition. — *Salmones ponantur in defenso. West. 2. cap. 47. 1.* Salmones are by that Act prohibited to be taken at certain Times therein mentioned. 2 Inst. 478.

**Defence** is also that which the Defendant ought to make immediately after the Count or Declaration made, that is, that he *defends* all the Wrong, Force, and Damage, &c. and then to proceed either in his Plea, or to imparl. See more, *Termes de la Ley, verbo Defence.*

**Defend,** (Fr. *Defendere*) signifies, in our ancient Laws and Statutes, to prohibit or forbid: As — *Ufuarios defendit quoque Rex Edwardus, ne remanerent in Regno. LL. Edw. Conf. cap. 37. & 5 Rich. 2. cap. 7.* Of which Words thus Chaucer:

Where can you say in any manner Age,  
That ever God defended Marriage.

In 7 Edw. 1. We have a Statute, entituled, *Statutum de defensione portandi arma, &c.* And it is defended by Law to distrain on the Highway. Coke on Litt. fol. 161. Nay, in common Speech Men frequently say, *God defend*, instead of *God forbid*; and the *Fence-Month* is more properly the *Defence-Month*, that is, the forbidden Month, or *tempus vetitum*. *Manwood's Forest-Law, cap. 13. num. 1.* See *Fence-Month*.

**Defendant, (Defendens)** Is he that is sued in an *Action Personal*; as *Tenant* is he who is sued in an *Action Real*. See *Impediens*.

**Defendimus** Is an ordinary Word in a Feoffment or Donation, and hath this Force, that it bindeth the Donor and his Heirs to defend the Donee, if any Man go about to lay any Servitude upon the Thing given, other than is contained in the Donation. *Bracton, lib. 2. cap. 16. num. 10.* See also *Warrantizabimus & Acquietabimus*.

**Defendere se,** A Phrase in the *Domesday Register*, to be taxed for such a Quantity of Land. As the Manor of *Brill. com. Buck.* having been rated or assessed at twenty Hides, it is said, — *Inde xx. hida se defendebant, Paroch. Antiq. p. 165.*

**Defendere se per corpus suum,** To offer Duel, Combat, or Camp-fight, as a legal Trial, or Appeal. The Phrase occurs in *Bracton l. 3. de corona, cap. 26, 32, &c.* and many other of our English Writers.

**Defendere unica manu,** To wage Law, by denying the Accusation upon Oath: — *Et si forte forisfactor illo factum negaverit, & forestarius solus sit sine teste, ille debet se Defendere unica manu ad unicum vocem rationabili die data in Curia Abbatis, & si unicum testem vel plures habuerit, debet se defendere sexta manu, &c.* *Charta facta inter W. de Bray Mil. & Abb. & Convent. de Osency, sine Dat. See Manus.*

**Defender of the Faith, Defensor Fidei,** Is a peculiar Title given to the King of England by the Pope, as *Catholicus* to the King of Spain, and *Christianissimus* to the French King, and *Advocatus Ecclesie* to the Emperor. It was first given by Leo the Tenth, to King Henry the Eighth, for writing against *Martin Luther* in Behalf of the Church of Rome, then accounted *Domicilium fidei Catholicae*. *Stow's Annals, pag. 863.* The Bull for it bears Date *Quinto Idus, Octo, 1521.* and may be read at large in the *Lord Herbert's History of Henry the Eighth, fol. 105.*

**Defensa,** A Park, or Place fenced in for Deer, and defended as a Property, and peculiar for that Use and Service. — *Idem Dux fecit instaurare predictum parcum de seris Defensa Leicestrensis. Henr. Knyghton sub anno 1352.* — *Dux Lancastria fecit magnam Convocationem magnatum Regni*



*Regni ad tenendum apud Legecestriam in Foresta & Defensa, & in omnibus parcis suis ibidem. ib. sub anno 1390.*

**Defensibis,** The Lords or Earls of the Marches, the Wardens or Defenders of the Country.—*Defensivæ locorum seu vicecomites locis statuentur statutis. Rad. de Dico sub anno 1153—In Marchia principales Defensivæ locorum, &c. ib. sub anno 1198.*

**In Defenso,** That Part of an open Field that was for Corn and Hay, upon which there was no Commoning or Feeding, was said to be in *Defenso*. So any Meadow-Ground laid in for Hay. And so any Part of a Wood, where the Cattle had not Liberty to run, but was enclosed and fenced up to secure the Growth of the Underwood.—*Boscus de Naffoke debet esse in Defenso dum durat pannagium, videlicet a Festo Michaelis ad Festum Sancti Martini. Mon. Angl. tom. 3. p. 306.*

**Defensum,** An Inclosure, or any fenced Ground.—*Si ego meos porcos in parco meo vel in baja, vel in aliquo alio Defenso, posuero.—Mon. Angl. tom. p. 2. 114.*

**Definito,** (*Diffinito*,) a Visitor.

**Deforcement,** (*Deforciamentum*,) *Matt. Paris. f. 422. Quicumque deforcierit eis dotem, & de ipso deforciamto convicti fuerit, id est, per vim abstulerit. A With-holding Lands or Tenements by Force from the right Owner. See Deforceor, and Coke on Litt. fol. 331. b.*

**Deforciant,** (*Anno 23 Eliz. cap. 3.*) the same with *Deforceor*. See *Disforciare*.

**Deforcior,** *Deforcior*, Cometh of the French *Forceur, expugnator*: In the Sense of the Law it signifies one that overcometh, and casteth out by Force: And differeth from *Disseisor* first in this, because a Man may disseise another without Force: Which Act is called *Simple disseisin*, *Briston, cap. 53.* Next, because a Man may *deforce* another that never was in Possession. As for Example, If more have Right to Lands as common Heirs, and one entring, keepeth out the Rest, the Law saith that he *deforceth* them, though he doth not disseise them. *Old Nat. Brev. fol. 118.* And *Littleton* in his Chapter *Discontinuance*, fol. 117. saith, That he which is enfeoffed by the Tenant in Tail, and put in Possession, by keeping out the Heir of him in the Reversion, being dead, doth *deforce* him, though he did not disseise him, because he entred when the Tenant in Tail was living, and the Heir had no present Right. And a *Deforceor* differeth from an *Intruder*, because a Man is made an *Intruder* by a wrongful Entry only into Lands or Tenements void of a Possessor, and a *Deforceor* also is, by holding out the right Heir, as abovesaid. *Bracton, lib. 4. cap. 1.* See more of this in *Pulton de pace Regis*, fol. 34, 35.

**Deforciatio,** A Distress, Distraint, or Seizure of Goods for Satisfaction of a lawful Debt.—*Nos & heredēs nostros distinguere possunt, per bona mobilia & immobilia & hominum nostrorum & Deforciationem tenere quousque plenarie fuerit satisfactum. Paroch. Antiq. p. 293.*

**Degrading.** See *Disgrading*.

**Deguttare,** To baste Meat in Roasting by letting Butter, Fat, or Dripping, gutter or run by Drops upon it.—*Nec minori tormento vexabantur, qui veribus transfixi, ad ignem assati Deguttabantur a demonibus ex metallis liquefactis. Mat. Par. sub anno 1153.*

**Deira,** *Deira* regnum, i. e. York, Lancaster, Westmorland, Cumberland, Northumberland, and the Bishoprick of Durham. From the Saxon *Deer, Fera*, because of the Multitude of wild Beasts.

**Deis,** or *Dagis*, The chief or upper Table in English Monasteries was so called.—*Priore presidente ad magnam mensam quam Deis appellamus. Additam. ad Mat. Par. p. 148. Et sciendum quod non permittitur cibus cum pede in Refectorio nisi tantum in majori mensa, quam Deis appellamus. ib.* These Tables had this Name from a Colth called *Dais*, with which the Tables of Kings were covered. *Matt. Paris. in vita Abbat. Sancti Albani, p. 92.*

**Dei Audicium,** The old Saxon Ordeal was so called, because they thought it an Appeal to God for the Justice of a Cause; and did believe the Decision was according to the Will and Pleasure of divine Providence.—*Picot contradixit suum testimonium de Villanis & villi plebe, & de praepositis qui volunt defendere per sacramentum, aut per Dei Judicium, quod ille qui tenuit terram, liber homo fuit.—Domelday in Cerdeson. See Dr. Brady's Introd. p. 272.*

**Delatura,** i. e. An Accusation: *In quibusdam locis juramenti vel antejuramenti multa est distantia, sicut in Delatura, & plurimis aliis. Leges H. 1. cap. 64.* Sometimes 'tis taken for the Reward of an Informer. *Leges Ina 20. apud Brompton.* It differs from *Freda*, viz. *Qui scrofas sex cum verberatus est, in triplum componat & Delaturam, f. 7. & in freda totidem. Du Cange.*

**Delegatce,** The Stat. 26 H. 8. cap. 19. says, are Commissioners *delegated* or appointed by the King's Commission, to sit upon an Appeal to him in the Court of Chancery, and is granted in three Cases. First, when a Sentence is given in any Ecclesiastical Cause by the Archbishop, or his Official. Secondly, when any Sentence is given in any Ecclesiastical Cause, in Places exempt. Thirdly, when Sentence is given in the Admiralty in Suits Civil and Marine, by Order of the Civil Law. 4 par. *Inst. fol. 339. Anno 8 Eliz. cap. 5.*

**Delfe,** (From the Saxon *delfan*, to dig, we still retain the Word *Delve*, for dig;) is a Quarry or Mine where Stone or Cole is digged. *Anno 31 Eliz. cap. 7.* And *Cambden* mentions a Charter of Edward the Fourth, wherein Mention is made of a Mine or *Delfe* of Copper.

**Delgovitia.** *Godmundham* in Yorkshire.

**Deliberance.** See *Replegiare*.

**Demain** or *Demesne*, (*Dominicum*, *Gallis Domanium*, *Italis Demanium*) Is a French Word otherwise written *Domaine*, and signifieth *Patrimonium Domini*, as *Hottoman* saith in *verbis feudalibus*, verbo *Dominicum*, where by divers Authorities he proveth those Lands to be *Dominicum*, which a Man holdeth originally of himself, and those to be *feodum* which he holdeth of a superior Lord. And by the Word *Domanium* as *Demanium*, are properly signified the King's Lands in France, appertaining to him in Property. In like Manner do we use it in England, although we have no Land (that of the Crown only excepted) which holdeth not of a Superior, for all dependeth either mediately or immediately of the Crown, wherefore no common Person hath any *Demains* simply understood; for when a Man in pleading, would signify his Land to be his own, he saith, That he is or was seised thereof in his *Demain*, as of Fee, *Litt. lib. 1. cap. 1.* whereby he meaneth, that although his Land be to him and his Heirs for ever, yet it is



not true *Demain*, but depending upon a superior Lord, and holding by Service, or Rent in lieu of Service, and by both Service and Rent; yet these Words have been used in the King's Right. 37 H. 8. cap. 16. and 39 Eliz. 22. But the Application of this Speech to the King and Crown-Land is crept by Error and Ignorance of the Word *Fee*. Britton, cap. 78. sheweth, That this Word *Demain* is diversly taken, sometimes more largely, as of Lands and Tenements held for Life, &c. and sometimes more strictly, as for such only as are generally held in *Fee*. This Word sometime is used for a Distinction between those Lands, that the Lord of a Manor hath in his Hands, or in the Hands of his Lessee, demised upon a Rent, for Term of Years or Life, and such other Land appertaining to the said Manor, which belongeth to Free or Copy Holders. Howbeit, the Copyhold belonging to any Manor, is also in the Opinion of many good Lawyers accounted *Demains*. Bracton, lib. 4. tract. 3. ca. 9. num. 5. saith, *Est autem Dominicium, quod quis habet ad mensuram suam & proprie, sicut sunt Bordlands Anglice. Item dicitur Dominicium Villenagium, quod traditur villanis quod quis tempestive & intempestive sumere possit pro voluntate sua & revocare.* Of this *Fleta* also writeth much after the same Manner. Lib. 5. cap. 5. sect. *Dominicium autem.* And the Reason why Copyhold is accounted *Demains*, is because they that be Tenants to it, are judged in Law to have no other Right, but at the Will of the Lord; so that it is reputed still after a Sort to be in the Lord's Hands. And yet in the common Speech, that is ordinarily called *Demeans*, that is neither Free nor Copy. And here, note, That *Demain* is sometimes used in a more special Signification, and is opposite to *Frank-Fee*. For Example, those Lands which were in the Possession of Edward the Confessor, are called *ancient Demain*, and others be called *Frank-Fee*. Kitchin, fol. 98. And the Tenants which hold any of those Lands be called *Tenants in ancient Demain*, the other *Tenants in Frank-Fee*. Kitchin, ubi supra. And also Tenants of the Common Law. West. Symbol. part. 2. Tit. Fines, sect. 25. The Reason is, because *Tenants in ancient Demain* cannot be sued out of the Lord's Court. *Termes de la Ley, verbo Ancient Demaine.* And such Tenants, though they hold all the *Verge*, and have none other Evidence, but Copy of Court-Roll, yet are they said to have *Freehold*. Kitchin, 81. See *Ancient Demeasne*. See more on this Subject in the learned *Spelman, verbo Dominicium*, where he does not allow this Word to be written *Demean* or *Demesne*, but *Demain* only.

*Demaine* part of an Abbot, Seems to be that Cart which the Abbot useth upon his own *Demaine*. An. 6 H. 3. c. 21.

*Demand* (Fr. *Demande, i. e. Postulatio*) signifies a Calling upon a Man for any Thing due. It hath also a proper Signification, distinguished from *Plaint*: For all Civil Actions are pursued either by *Demands* or *Plaints*; and the Pursuer is called *Demandant* or *Plaintiff*, viz. *Demandant* in Actions Real, and *Plaintiff* in Personal. And where the Party pursuing is called *Demandant*, the Party pursued is called *Tenant*; where *Plaintiff*, there *Defendant*. If a Man release to another all *Demands*, this is the best Release the Releasee can have, and shall enure most to his Advantage. Littl. fol. 117. a. There are two Manner of *Demands*; the one in Deed, the other

in Law: *In Deed*, as in every *Præcipe*, there is express *Demand*: *In Law*, as in every Entry in Land, Distress for Rent, Taking or Seizing of Goods, and such like Acts, which may be done without any Words, are *Demands* in Law.

As a Release of Suits is more large than of Quarrels or Actions; so a Release of *Demands* is more large and beneficial than either of them. By a Release of all *Demands*, all Executions and all Freeholds and Inheritances executory are released: By a Release of all *Demands* to the Disseisor, the Right of Entry in the Land, and all that is contained therein, is released. And he that releaseth all *Demands*, excludes himself from all Actions, Entries, and Seisures; but a Release of all *Demands* is no Bar in a Writ of Error to reverse an Outlawry. Coke, lib. 8. f. 153, 154.

*Demandant, Petens*, is the *Plaintiff* in a real Action, so called, because he demandeth Lands, &c. Co. on Littl. fol. 127.

*Demihague*. See *Hague* and *Haguebur*.

*Demise, Dimissio*, is applied to an Estate either in Fee-simple, Fee-tail, or for Term of Life, and so it is commonly taken in many Writs, 2 par. Inst. fol. 483. The King's Death is in Law termed, *The Demise of the King*.

*Demisters*. See *Deemsters*.

*Demurrer* (from the Fr. *Demeurer, i. e. Manere in aliquo loco, vel morari*;) is a Kind of Pause or Stop put to the Proceedings of any Action upon a Point of Difficulty, which must be determined by the Court, before any further Proceedings can be had therein: For in every Action the Controversy consists either in Fact or in Law; if in Fact, that is tried by the Jury; if in Law, the Case is plain to the Judge, or so hard and rare, as it breeds just Doubt. We call that plain to the Judge wherein he is assured of the Law, though perhaps the Party and his Counsel yield not to it. And in such Case, the Judge with his Associates proceeds to Judgment without more a-do; but when it is doubtful, then Stay is made, and a Time taken, either for the Court to consider further of it, and agree if they can, or else for all the Judges to meet together in the *Exchequer-Chamber*, and upon Hearing what Counsel can say on both Sides to determine what is Law. And whatsoever they conclude stands firm, without any farther Appeal. Smith de Repub. Angl. lib. 2. cap. 13. This *Demurrer* is in our Records expressed in Latin by *Moratur in Lege*. At the Common Law, the Defendant sometimes *demurreth* to the Plaintiff's Count or Declaration; and sometimes the Plaintiff *demurs* to the Defendant's Plea, by averring that it is not a sufficient Plea in Law, &c. In Chancery, the Defendant *demurs* to the Plaintiff's Bill, averring it is defective in such or such a Point, and demands the Judgment of the Court thereupon, whether he shall be compelled to make any further or other Answer thereunto, &c. See *Moratur in Lege*.

*Demp sanke ou Sangue*, Of the half Blood, is, when the Man marries a Wife, and hath Issue by her a Son or a Daughter, and the Wife dies, and then he takes another Woman, and hath by her also a Son or Daughter; now these two Sons or Daughters are after a sort Brothers or Sisters, as we usually term them *half Brothers*, &c. or *Brothers of the half Blood*, because they had both one Father; but are not Brothers by the Mother's side, as having several Mothers, and therefore cannot be Heirs one to another; for he that

that shall claim as Heir to one by Descent, must be of the whole Blood to him from whom he claims.

**Den**, the Names of Places ending in *Den* signify the Situation to be in a Valley, or near Woods, as *Tenterden*, *Biddenden*, from the Sax. *Den*, *Vallis*: *Locus Sylvestris*.

**Dena**, **Denna**, a little Portion of woody Ground, commonly called a Coppice, *De Silva octo denæ parvæ*; in another Place, *Est una parva dena sylva*. *Domesday*, apud *Spelm*. And *Thorn*. Anno 826. tells us, that *Dederunt Abbati terram 20 aratorum & 13 Dennas glandes portantes, &c.*

**Den & Strond**, Liberty for Ships or Vessels to run a Ground, or come a-shoar. *K. Edw. 1.* grants this Privilege to the Barons of the Cinque Ports.—*Quod sint Wrecfry & Wytefry & Lestagefry & Lonetofry & quod habeat Den & Strond apud Gernemuth.*—*Placit. temp. Ed. 1. & Ed. 2. MS. 4to. pences Dom. Fountaines ex Æde Christi Oxon.*

**Denariata terræ**. See *Fardingdeal of Land*.

**Denariatus**, *Precium rei qua Denario constat; Meritis, redditus terra. Sciant—quod ego Willielmus filius Philippi de Coleward Dedi—Egidio de la Berne de Hereford pro quadam summa pecunie—Octo Denariatos annui redditus, &c. Sine dat.*

**Denariatus terræ** signifies as much Land as is worth a Penny by the Year. *Sibylla Bartholot tenet unam acram & 5 Denariatos terræ in eodem tenemento.* And in another Place, *Tenet dimidiam rodam & 3 Denariatos terræ in fine boreali messuagii Tab. Prioratus Lewes in Suffex.* *Du Cange.*

**Denarius**, an English Penny. *Stat. Ed. 1 De compositione Mensurarum, viz. Denarius Angliæ qui nominatur Sterlingus rotundus sine tonsura ponderabit 32 grana frumenti in medio spica, & 20 denarii faciunt unciam & 12 uncie faciunt libram.*

**Denarii**, A General Term for any Sort of pecunia numerata, or ready Money.—*Solventur Hominibus de Hedingdon de denariis Domini singulis annis proximo die quo falcare incipient quinque solidi. Paroch. Antiq. p. 320.*

**Denarius tertius Comitatus**. In the Fines and other Profits arising from the County-Courts, two Parts were reserved to the King, and a third Part or Penny to the Earl of the County, who either received it in *Specie* at the Assises and Trials, or had an equivalent Composition paid from the Exchequer. So *Eubulo le Strange* in Right of his Wife *Alice*, Daughter and Heir of *Henry de Lacy* Earl of *Lincoln*, had by Letters Patent *Dat. 5 Ed. 3. Custodiam & Wardam castelli nostri de Lincoln cum balliva ibidem & viginti libratas annui redditus, pro tertio denario Comitatus. Paroch. Antiq. 418.*

**Denarius Dei**, God's Penny, Arles or Earnest-Money.—*It. quod neuter Mercatorum ab illo contractu possit discedere vel resiliire, postquam Denarius Dei inter principales personas contrahentes datus fuerit & receptus. Cart. 3 Ed. 1. M. 4. See Argentum Dei.*—The Occasion of this Earnest-Money being called God's Penny, *Denarius Dei*, was this; in former Times the Piece of Money so given to seal the Contract was given to God, i. e. to the Church or the Poor, but the pious Use is now gone.

**Denarii de Caritate**. Whitsun-Farthings, or Pentecostals, the customary Oblations made to the Cathedral-Church about the Time of Pentecost, when the Parish-Priests and many of their People went in Procession to visit their Mother-

Church. This Custom of voluntary Honour was afterward changed into a settled Due, and commonly charged upon the Parish-Priest; though at first but a Gift of Charity (*Denarii de Caritate*) or eleemosynary Present to help to maintain and adorn the Bishop's Secor Cathedral Church.—*Es salvo, quod denarium S. Petri & denarios de caritate persolvant, quos hactenus persolvere consueverunt.*—*Cartular. Abbat. Glaston. MS. fol. 15.*

**Denarius S. Petri**, Peter-Pence. See *Rome-scot*.

**Dena tertæ**, A hollow Place between two Hills; you may find it in the Beginning of *Domesday-Book*. *De Silva octo denæ parvæ & tres magnæ Domesdei.*—*una parva dena Sylvæ, ib. Dederunt Abbati terram viginti aratorum & xiii. Dennas glandes portantes.* *Will. Thorn. sub an. 826. Sax. den*, a low Place which gives Termination to very many Names of Places, especially among the Woods, as in the *Weald of Kent*, *Tenterden*, *Biddenden*, &c. In some North Parts of England they keep the Word *Dene* for a Valley, as in the Bishoprick of *Durham*, they say, *Skarrs and Denes*, i. e. Hills and Vales.

**Denbera**, A Place for the running of Hogs, a Swine-cumb, or low Valley for the Pannage or Feeding Swine. From the Sax. *Den*, a Vale and *Berg* a Barrow, a Hog. In a Charter of King *Etshelred* granting the Manor of *Mersham* to the Church of *Canterbury*.—*Hac sunt Pascua porcorum qua nostra Lingua Saxonica Denbera nominamus.*—And in a Charter of *K. Offa* to the said Church,—*adjectis Denheris in communi saltu.*—See *Sommer* of *Rom. Ports and Forts*, pag. 110.

**Dene**, **Dena**, In the same Book signifies a Dale.

**Denne**, In the same Book stands for a Town.

**Denelage**, or **Danelage**, **Denelagia**, Is the Law that the Danes made here in England, out of which, and *Merchenlage* and *West Saxon-lage*, the Conqueror compounded certain Ordinances for his Subjects. *Cambd. Brit. p. 94, & 183.*

**Denizen**, From the French *Donaison*, i. *Donatio*, signifies in Law an Alien that is enfranchised by the King's Charter, and inabled in all respects almost to do as the King's native Subjects do, viz. to purchase and to possess Lands, and to be capable of any Office or Dignity; yet it is short of Naturalization, because a Stranger naturalized, may inherit Lands by Descent, which a Man made only a *Denizen* cannot. And in the Charter, whereby a Man is made *Denizen*, there is commonly contained some one Clause or other, that abridgeth him of that full Benefit which natural Subjects do enjoy. And when a Man is thus enfranchised, he is said to be under the King's Protection, or *esse ad fidem Regis Angliæ*, before which Time he can enjoy nothing in England. *Bract. lib. 5. tract. 5. cap. 25. num. 3.* Nay he and his Goods might be seized to the King's Use. *Horne* in his *Mirror of Justice*, lib. 1. cap. de la Venue de francpledge, and 2 par. *Inst. fol. 741.* See also the Statute 27 H. 8. cap. 24. and Co. lib. 7. *Calvin's Case*. It seems that *Donaiso* is the right Name so called, because his Legitimation proceeds ex donatione Regis, from the King's Gift.

**De non Residentia Clerici Regis**, Is an ancient Writ, whereof see the Form in 2 par. *Inst. fol. 624.*

**Denæ**

**Denshiring of Lands.** To cast Parings of Earth, Turf, and Stubble into Heaps, and when dried, to burn them into Ashes, for a Compost on poor barren Land. This Method of Improvement is called *Burn-beating*, and in some Parts of *Staffordshire* they term it *Denshering of Land*.

**Dentrie**, a Fish with many Teeth. *Et sint quieti de quibuscunque prisit caponum, columbarum, Dentricium, anguillarum & omnium aliorum piscium.* Charta H. 6. pro Monaster. Ramesey.

**Deodand**, *Deodandum*, Is a Thing given or rather forfeited, as it were, to God, for the Pacification of his Wrath, in case of Misadventure, whereby any Christian Man cometh to a violent End, without the Fault of any reasonable Creature. For Example, If a Horse should strike his Keeper, and so kill him: If a Man in driving a Cart, and seeking to redress any Thing about it, should so fall as the Cart-wheel running over him, should kill him: If one should be felling a Tree, and giving warning to Company by, when the Tree was near falling, to look to themselves, and any of them should be slain nevertheless by the Fall of the Tree: In the first of these Cases, the Horse; in the second, the Cart-wheel, Cart and Horses; and in the third, the Tree, is a *Deodand*, and to be given to God; that is, to be sold and distributed to the Poor, by the King's Almoner, for an Expiation of that dreadful Event, though effected by unreasonable, yea senseless and inanimate Creatures. *Staundf. pl. cor. lib. 1. cap. 2. Bract. lib. 3. tract. 2. cap. 5. Britton, cap. 17. and West. Symbol. Tit. Indictments, sect. 49.*

*Omnia quæ movent ad Mortem sunt Deodanda.*

What moves to Death, or kills him dead, Is *Deodand*, and forfeited.

*Fleta* says, this *Deodand* is to be sold, and the Price distributed to the Poor, for the Soul of the King, his Ancestors, and all faithful People departed this Life. *Lib. 1. cap. 25. De Submersis.* Which Law seems to bear an Imitation of that in *Exodus*, c. 21. *Si cornu petierit bos virum vel mulierem, ita ut moriatur, lapidabitur bos neque comedetur caro ejus, ac Dominus ejus erit innocens.* This Word is mentioned in the Stat. *De Officio Coronatoris, Anno 4 Ed. 1. See 3 Part. Inst. fol. 57.* Since therefore by the *Mosaic* Law the Ox was to be stoned to Death, it seems reasonable that the Price of the Ox should be bestowed in pious and charitable Uses.

**De deoneranda pro rata portione**, Is a Writ that lieth where one is distrained for a Rent that ought to be paid by others proportionably with him. For example, a Man holds Ten Ox-gangs of Land by Fealty, and 10 s. Rent of the King, and alienateth one Ox-gang to one, another to another in Fee; afterwards the Sheriff, or other Officer, cometh and distraineth only one of them for the Rent; he that is distrained may have this Writ for his Relief. *F. N. B. f. 234.*

**Depalliare.** See *Detunicare*.

**Depart**, or **Departure**, From a Plea, or Matter, is where a Man pleads a Plea in Bar of an Action, and being replied therunto, doth in his Rejoinder shew another Matter contrary to his first Plea, that is called a *Departure from his Bar*, *Plowd. Com. fo. 7, 8. Reniger and Fogassa's Case.* It may also be applied to a Plaintiff, who in his

Replication shews new Matter from his Declaration. *Co. 2. par. f. 147. Bagshawe's Case.* So if a Man plead a general Agreement in Bar, and in his Rejoinder alledge a special one; this shall be adjudged a *Departure* in pleading. So in Trespas, if the Defendant will plead a Discent, and the Plaintiff, that after this the Defendant enfeoffed him; and the Defendant saith, this Feoffment was upon Condition, for the Breach whereof he entred; This is a *Departure*, for it is new Matter. Of this, see divers Examples in *Broke, Tit. Depart* de son plea.

**Departure in Despight of the Court**, Is, when a Tenant or Defendant appears to an Action and hath a Day over in the same Term, or is called after, though he had no Day given him, so that it be in the same Term; if he do not appear, but make Default, it is a *Departure in Despight of the Court*, and therefore he shall be condemned. And here observe, That *Departure in Despight of the Court*, is always on the Part of the Tenant or Defendant, and the Entry thereof is, *Quod predictus A. licet sollemniter exactus non venit sed, in contemptum curie recessit & defaultam fecit*: And this is when in Judgment of the Law he is present in Court, and being demanded, departs in *Despight of the Court*. This amounts to a Bar in respect of the *Despight* and Contempt of the Court. See *Co. lib. 8. fol. 62.*

**To Depart**, To divide or separate actively. *This Hill departed the Land of the Amorites from that of the Amorites. Bat upon Bat. lib. 14. ca. 13.* Men that divide and depart Fields. *ib. cap. 50.* So in *Wickliffe's Translat. Gen. 1. 4. Depart the Light from Darknes.* And it was in that Age properly exprest in our old Office of Matrimony, till death us depart, now more intelligible to the Vulgar, till Death us do part. Hence the *Departers of Gold and Silver* were no more than the Dividers and Refiners of those Metals.

**Departers of Gold and Silver.** See *Finers. Depersonatus.* See *Dispersonatus.*

**Depopulation**, *Depopulatio*, Is the laying Waste, destroying and unpeopling of a Place. *Co. 12. Rep. f. 30.* This is now the apparent Effect of enclosing Lordships and Manors, by which Means several good old populous Villages have been reduced from a great Number of sufficient Farms, to a few Cottages.

**Depopulators agrorum**, Were great Offenders by the Common Law, as appears by the Statute 4 H. 4. 2. and were called *Depopulators agrorum*, because by prostrating and ruining of Houses, they seemed to depopulate Towns, that is, leave them without Inhabitants. *3 par. Inst. f. 204. See also 13 El. 10. and 14 El. 11.*

**Deposition** (*Depositio*) is the Testimony of a Witness, otherwise called a *Deponent*, put down in Writing by way of Answer to Interrogatories exhibited to that Purpose in Chancery, &c. And when such Witness is examined in open Court, he is said to be examined *Viva voce*. *Deposition* is also used for Death; as in *Provin. Angl. lib. 2. Tit. De feriis. Ordinamus quod Festum Depositionis Sancti Johannis de Beverlaco, 7 die Maii, per Provinciam nostram antedictam perpetuis temporibus celebratur.*

**Deprivation**, *Deprivatio*, Is a Bereaving or Taking away, as when a Bishop, Parson, Vicar or Prebend, is deprived or depofed from his Preferment for any Matter in Fact or in Law; as if a Schismatick, or meer Layman, be presented, admitted, instituted and inducted; this is good

**Cause of Deprivation.** See other Causes of Deprivation. 13 Eliz. cap. 12. 21 H. 8. cap. 13. —  
**With the Loss of Deprivation of all the Spiritual Promotions, whereof, &c.** An. 2 & 3 E. 6. cap. 20. **Deprivation of Bishops and Deans.** An. 39 Eliz. c. 8.

**Deprivatio a Beneficio** is when, for some great Crime, a Minister is wholly and for ever deprived of his Living.

**Deprivatio ab Officio** is when a Minister is for ever deprived of his Orders, which is also called *Depositio* or *Degradatio*, and is commonly for some heinous Crime meriting Death, and performed by the Bishop in a solemn Manner.

**Deputr.** Is he that exercises in another Man's Right, either Office or other Things; and his Forfeiture or Misdemeanor shall cause the Officer, or him whose Deputy he is, to lose his Office: But a Man cannot make his Deputy in all Cases, except the Grant so be; as if it be with these, or such like Words, *To exercise and use by himself, or his sufficient Deputy*; or if the Words go farther, *To himself, or his Deputy, or the Deputy of his Deputy*; then he may make his Deputy, and his Deputy also may make a Deputy, or else not. As if the Office of a Parkership be granted to one, he cannot grant this over to another, because it is an Office of Trust and Confidence, and shall not be forfeited. And there is great Difference between a Deputy and Assignee of an Office; for an Assignee hath an Interest in the Office it self, and doth all Things in his own Name; for whom his Grantor shall not answer, unless in special Cases. But a Deputy hath not any Interest in the Office, but is only the Shadow of the Officer, in whose Name he doth all Things. And where an Officer hath Power to make Assigns, he may implicitly make Deputies, for *cui licet quod majus est, non debet quod minus est non licere*. And a Sheriff may make a Deputy, or Under-Sheriff, although he have not such express Words in his Patent.

**De quibus sur dissei,** Is a Writ of Entry. See *Fitz. Nat. Brev. f. 191*.

**Der.** Names of Places beginning with *Der* signify they were formerly where wild Beasts herded together, from the Sax. *Deor, Fera*; unless the Situation was near some River.

**Deraign** or **Dereyn**, *Disrationare vel dirationare*, may seem to come of the French *Disarroyer*, id est, *confundere*, to confound or disorder, or *disranger*, to put in Disorder; or of the Norman word *Desrene*, which signifies nothing but a Proof of the Denial of a Man's own Fact. In our Common Law it is used diversly. First generally, To prove, as *Dirationabit jus suum heres propinquior*. Glauville, lib. 2. cap. 6. And *habeo probos homines, qui hoc viderunt & audierunt & parati sunt hoc dirationare*. Id. lib. 4. cap. 6. And *dirationavit terram illam in curia mea*. Id. lib. 2. cap. 20. he proved that Land to be his own, &c. And *pertinentiam eam dirationavit in vita sua, vel alio modo juste perquisivit*. Id. lib. 6. cap. 12. And *Bracton* useth it after the same Sort, in these Words, *Habeo sufficientem diratiocinationem & probationem*. Lib. 4. tract. 6. cap. 16. And so he useth *Dirationare*. Lib. 4. cap. 22. And so in *Westm. 2.* 13 E. 1. cap. 32. And to deraign the Warranty. *Old Nat. Brev. fol. 146*. And to deraign the Warranty Paramount. 31 H. 8. cap. 1. And *dereigner le Warranty* in *Plowden*, *Basset's Case*, in *fine 2. partis fol. 6, 7, 8.* hath the same Signification. So it is used, *Westm. 2.* cap. 5. 13 E. 1. in these Words.

And when the Parson of any Church is disturbed, to demand Tithes in the next Parish by a Writ of *Indicavit*; the Patron of the Parson so disturbed, shall have a Writ to demand the Advowson of the Tithes, being in Demand; when it is deraigned, then shall the Plea pass in the Court-Christian as far as the same is deraigned in the King's Court. *Bract. also 3. Lib. tract. 2. c. 3. num. 1.* speaking of him that appealeth another for any Treason or Felony, hath these Words, *Proponat accusans appellum suum in hunc modum, sc. debet dicere se interfuisse & vidisse certo loco, certo die, certa hora, & scivisse ipsum accusatum prelocutum fuisse mortem Regis vel seditionem suam, vel exercitus sui, vel consensisse, vel auxilium & consilium impendisse, vel ad hoc auctoritatem prestitisse, & hoc ego juxta considerationem curie disrationare paratus sum.* He useth it likewise as the Normans use *Disraisiuam*, for him that offereth to justify his Denial, as *Lib. 3. tract. 2. cap. 28. num. 1.* in these Words, *Rex consilio Episcoporum & bonorum misit propter comitem, ut statuto die veniret ad curiam, ad disrationandum vel defendendum se si possit.* Lastly, in some Places the Substantive Deraignment is found used in the very literal Signification of the French *Derayer* or *Disranger*, that is, turning out of Course, as *Deraignment* or Departure out of Religion, 31 H. 8. cap. 6. and *Deraignment* or Discharge of their Profession, 33 H. 8. 29. which is spoken of those religious Men which forsook their Orders, or Profession; as also 5 & 6 E. 6. cap. 13. So doth *Kitchin* use the Word, *fol. 152.* saying. The Lessee entrencheth into Religion, and afterwards is deraigned. And *Britton* hath these Words, *Semounse disrenable*, for a Summons that may be challenged as defective, or not lawfully made, cap. 21. Of this you may read more in *Skene de verb. signif. verbo Disrationare*, where he confoundeth it with our waging and making of Law.

**Derefeld**, a Park: From the Sax. *Deor, Fera*, and *Fald, Stabulum*.

**De Reboicatione Parliamenti** is a Writ for recalling a Parliament, as in 5 Ed. 3. the Parliament being summoned, was recalled by such a Writ before it met. See *Pryn's Animad. on the 4 Inst. f. 44*.

**Derwentio**, *Auldby* upon *Derwent* in *Yorkshire*.

**Descent.** See *Discent*.

**De son tort demesne** (Fr. *Restius demene*, i. e. a Plot, Motion, or Enterprize) are Words of Form, used in an Action of Trespas by way of Reply to the Defendant's Plea. For Example; *A. sues B. in such an Action; B. answers for himself, That he did that which A. calls a Trespas by the Command of C. his Master: A. saith again, That B. did it de son tort demesne, sans ceo que C. luy command, modo & forma, that is, B. did it of his own Wrong without that, that C. commanded him, in such Form, &c.*

**Despitus**, i. e. a contemptible Person. 'Tis mentioned in *Fleta*, lib. 4. c. 5. par. 4. viz. *Ballivi & servientes Regis populum sibi subditum gravare consueverunt, ponendo in Assisis & juratis homines languidos & Despitos, &c.*

**Distraies.** See *Dextrales* and *Dextrarius*.

**Desubite**, to weary one with continual barking, and then to bite, viz. *Si canis hominem Desubitet, aut mordeat tacitus, in prima culpa reddantur sex sol.* Leg. Alured. 26.

**Detachiare**, *Dittachiare*, by Writ of Detachment or other Course of Law, to seize or take into Custody another's Goods or Person.

**Detinue,**



**Detinue, Detinendo,** Is a Writ that lieth against him, who having Goods or Chattels delivered to him to keep, refuseth to deliver them again. See of this *F. N. B. fol. 138.* To this is answerable in some sort, *Actio depositi* in the Civil Law. And he taketh his Action of *Detinue*, that intendeth to recover the Thing delivered, and not the Damages sustained by the *Detinue*. *Kitchin. fol. 176.* See the *New Book of Entries, verbo Detinue.*

**Detractare,** To be torn in Pieces with Horses. *Fleta, lib. 1. c. 37. Apostata, Sacrilegi, & hujusmodi, detractari debent & comburi.*

**Detunicari,** To discover, or lay open. *Et sic suas proprias prodiciones manifeste toto mundo Detunicavit.* *Mat. Westm. Anno 1240.*

**Deba,** the River *Dee* in *Cheshire.*

**Deba,** or **Deban,** *Chester, or West-Chester.*

**Devadiatus,** Without Sureties or Pledges — *Si homo in villa delinquit & Devadiatus fuerit, nil inde habet Prepositus Regis.* *Domesday Tit. Sudrei.*

**Devastaverunt bona Testatoris** is a Writ lying against Executors for paying Legacies and Debts without Specialties, to the Prejudice of the Creditors that have Specialties, before the Debts on the said Specialties are due: For in this Case the Executors are as liable to Action, as if they had wasted the Goods of the Testator riotously, or converted them to their own Use; and are compellable to pay such Debts by Specialty out of their own Goods, to the Value of what they so paid illegally. For the orderly Payment of Debts and Legacies by Executors, so as to escape a *Devastation*, or charging their own Goods, see the *Office of Executors, c. 12.*

**Devenerunt Lat.** is a Writ heretofore directed to the Escheator when any Tenant of the King, holding in *Capite*, died; and when his Son and Heir, within Age, and in the King's Custody, died, then this Writ went forth, commanding the Escheator that he, by the Oath of good and lawful Men, enquire what Lands and Tenements by the Death of the Tenant, came to the King. See *Dyer, f. 360. Pl. 4. and Keilwey's Rep. fol. 199. a.* Though this Writ, in the Sense aforesaid, be refused, yet a new Use of it is prescribed by Act of Parliament, 14 *Car. 2. c. 11.* entituled, *An Act for preventing Frauds, and regulating Abuses in his Majesty's Customs.*

**Devest,** (*Devestire*) Is contrary to *Invest*; for as *Investire* signifies *possessionem tradere*, so *Devestire* is *possessionem auferre.* *Feud. lib. 1. cap. 7.*

**Devise, or Devise,** Cometh of the French *Divider, separare*, or *Devise*, to confer with. This Word is properly attributed in the Common Law, to him that bequeaths his Lands and Goods by his last Will and Testament in Writing, and he is called the *Devise*, and he to whom the *Devise* is made, the *Devisee*. And here we are to observe, That the Laws of the Realm, and the Judges thereof, favour Wills and Testaments, and *Devise*, in yielding to them such a reasonable Construction as they think might best agree with the Mind of the Deceased, and are more favourably interpreted in Wills than in Deeds: We will set down some few Examples; as if one *devise* to *J. S.* by his Will all his Lands and Tenements; here not only all those Lands that he hath in Possession, but all those that he hath in Reversion, by Virtue of the Word *Tenements* pass. Again, if Lands be *devise* to a Man, to have to him for ever, or to have to him and his Assigns: In these

two Cases the *Devisee* shall have a Fee-simple: But if it be given by Feoffment in such Manner, he hath but an Estate for Term of Life. — If one *devise* to an Infant in *ventre matris sue*, it is a good *Devise*; but otherwise by Feoffment, Grant or Gift; for in those Cases there ought to be one of Ability to take presently, or otherwise it is void. See 14 *Eliz. Dyer 304.* and *Co. on Litt. fol. 111.* And this favourable Allowance to Wills even the Heathens observed, as appears by these Verses.

*Sed legum servanda fides; suprema voluntas  
Quod mandat, fierique jubet, parere necesse est.*

*Laws must be reverenc'd; and what ere is laid  
Upon us by a Will must be obey'd.*

**Deviscere,** The Word is used in *Domesday-Book.* *Tit. Hereford,* in the same Sense of *devising* by Will. *Siquis morte preventus non devississet que sua erant, Rex habebit omnem ejus pecuniam.*

**Devoires of Calais** (*Anno 2 R. 2. Stat. 1. c. 3.*) were the Customs due to the King for Merchandize brought to, or carried out of *Calais*, when our Staple was there. — Paying their Customs and *Devoires* to the King. *Anno 34 Ed. 3. cap. 18.*

**Devoir,** in French, signifies Duty.

**Devorce.** See *Divorce.*

**Detrarius.** *Willielmus de Breosa dedit Regi tres detrarios, quinque Chaucros, & viginti quatuor senfas pro habenda seiscina castrorum de Grosunt Skene-frith & Clanteli.* *Rot. Car. in turr. Lond. de Anno 7 Joh. n. 38.* That is three light Horses or Horses for the great Saddle, from the Fr. *Destrier*, which signifies a Horse for Service. —

**Dextrarius,** in another Sense signifies, To take the Right-hand of another, viz. *Ordinatis igitur que sunt in applausibus hujusmodi, dextravit archiepiscopus Londonensis Episcopus, sinistravit Wintoniensis.* *Dicet. in Anno 1193.*

**Dextræ dare,** in Token of Friendship; which is used at this Day, by Shaking of Hands.

*Fam pariter coeant animorum in pignora Dextræ.*

'Tis mentioned by *Walsingham* as a Giving up himself to the Power of another. *Page 332.*

**Devnekti Canes.** — *Willielmus Couch tenet duas carrucatas terra de Domino Rege apud Benham com. Berk. per serjantiam custodiendi unam mensam Deynectorum Canum, ad custum Domini Regis.* *Anno 12 Ed. 1. — Tenures, p. 38.*

**Diamicus,** a very good Friend. *Non est narratu facile quam efficax fuit in exhortando Diamicos & Discipulos.* *Malmf. in vita Aldkelmi, 1. c. 3.*

**Diaprasium,** an Electuary, *Diaprasii Coloris* is Green. *Du Fresne.*

**Diarium,** Daily Food; as much as was sufficient for the Day. *Constituit quadam Diaria dari scriptoribus.* *Du Cange.*

**Diasper.** *Diaper*, or Linen variegated in the Weaving. — *Henricus Abbas Glaston. tempore Regis Hen. 1. ipsi Ecclesie contulit ornamenta satis pretiosa, videl. pallas novem optimas, quarum quadam erant de Diaspre, quadam de samito.* — *Char-tular Abbat. Glaston. MS. f. 12.*

**Diasperatus,** Stained with many Colours, *Sandalia cum caligis de rubeo samito diasperato breudeta cum iniaginibus Regum.* *Mon. 3 Tom. pag. 314.*

**Dies,** A Tally for Accounts by Number of *Tailles*, Cuts, Marks, or Notches. — *Et præter*

*hoc debet Magister Marisfchalcia habere Dieas de donis & liberationibus quæ fuerint de thesauro Regis & de sua camera, & debet habere Dieas contra omnes officiales Regis ut testes per omnia. Lib. 6. Rub. Scacc. Angl. f. 30. — Infitutum est ut diligenter per Dicam notetur quantum ex omni genere bladi vel leguminis expenditur in semine — Dica illa dividatur in duas, & una pars deputabitur custodie Hospitalis Fratris — altera Grangiarum. Stat. ord. de Semplingham, pag. 748.*

**Dicker** or **Dicre** of **Leather** is a Quantity consisting of ten Hides. The Word probably comes from the Greek Δίκα, which signifies Ten. *Civitas Gloucestria reddebat xxxvi. Dicras ferri, Domesday; i. e. 36 Dickers of Iron, 10 Bars to the Dicker. Gale's Hist. Brit. 766.*

**Dicra ferri**, A Quantity of Iron consisting possibly of Ten Bars. — *T. R. E. reddat civitas de Gloucestre xxxvi. Libr. numeratas, & xii. sextaria mellis ad mensuram Burgi, & xxxvi. Dicras ferri, & centum virgas ferreas ductiles ad clavos navium Regis, & quasdam alias minutas consuetudines in Aula & in camera Regis, — Lib. Domesday Gloucest.*

**Dicores**, **Titrum**: The one is an Arbitrator; the other is the Arbitrament. *Protulit Dictum suum & sententiam pro Rege Anglie. Mamli. pag. 384.*

**Dictum de Kenelworth** was an Edict or Award between King Henry III. and all those Barons, and others, who had been in Arms against him; and so called, because it was made at *Kenelworth-Castle*, in *Warwickshire*, An. 51 H. 3. containing a Composition of five Years Rent for the Lands and Estates of those who had forfeited them in that Rebellion.

**Diem clausit extremum** Was a Writ that issued out of the Chancery to the Escheator of the County, upon the Death of any of the King's Tenants in Capite, to enquire by a Jury of what Lands he died seised, and of what Value, and who was the next Heir to him. *Fitz. Nat. Br. fol. 251.*

**Dies**, There are four Sorts of Days, A Day natural, and so the Scripture saith, *The Evening and the Morning made the first Day.* 2. A Day artificial, and that is a *crepusculo matutino usque ad crepusculum vespertinum.* 3. **Dies astrologicus**, an Astrological Day from Sun to Sun. 4. A legal Day, and that is of two Sorts, 1. **Dies furidicus**; and 2. **Dies non furidicus.** **Dies furidici** are all Days in Bank, Continuance, Effoin-days, and other Days given in Term to the Parties in Court. **Dies non furidici** are all Sundays in the Year; besides, in the several Terms particular Days, as in *Easter-Term*, *festum ascensionis Domini*; in *Trinity-Term*, *festum sancti Johannis Baptistæ*; in *Michaelmas-Term*, *festum omnium Sanctorum*, & *festum omnium animarum*; and in *Hilary-Term*, *festum Purificationis beate Mariæ Virginis.* And this was the ancient Law of England, and yet in Use. 2 par. *Inst.* 264.

**Dies.** One Day's Entertainment, Farm, or Reception, — *reddebat unam diem de firma, & valebat 95. Libr. & 6. denar. Domesday*, where there be many other Fee-Farm Rents, as we may call them, reserved to the King in so many Days or Nights Provision. *Et reddebat dimidiam diem mellis, &c. Et unam diem de firma*; that is, As much Honey as was sufficient for the King's Family for half a Day; and as much Provision as was enough for a whole Day. *Domesday, apud Spelman.*

**Dies datus** is a Day or Time of Respite, given to the Tenant or Defendant by the Court. *Brake, Tit. Continuance.*

**Dies Marchiæ**, The Day of Congress or Meeting between the English and Scotch, appointed annually to be held on the *Marches* or *Borders*, to adjust all Differences, and preserve the Articles of Peace. — *Dux Lancastriæ — pro Die Marchiæ (prout Moris est) tenenda inter Anglos & Scotos annis singulis, in partes concesserat boreales. Tho. Walsingham, in R. 2. p. 278. Convenerunt ad Diem Marchiæ, & conventum fuit inter eos pro commodo pacis, &c. Ib. p. 307.*

**Dieta**, A Days-work. — *Per servitium mendi bladum Domini per tres Dietas in Autumno ad cibum ipsius Domini ad primam dietam per quatuor homines, &c. Cartular. Rading. MS. pag. penult.*

**Dieta rationabilis** Is used in *Bracton* for a reasonable Day's Journey. *Lib. 3. part. 2. cap. 16.* And we find in *Fleta*, *Omnis rationabilis Dieta constat ex viginti miliaribus.* *Lib. 4. cap. 28. par. 13.* It hath in the Civil Law divers other Significations not needful here to be set down. *Vide vocab. utriusque juris.*

**Dieu son ait**, These are Words oftentimes used in our Law; and it is a Maxim, that the *Ait* of God shall prejudice no Man: And therefore if a House be beaten down by Tempest, or other *Ait* of God, the Lessee for Life or Years shall not only be quit in an Action of Waste brought against him, but hath by the Law a special Interest to take Timber to build the House again, if he will, for his Habitation. *Co. lib. 4. 65. & lib. 11. 82. a.* So, when the Condition of an Obligation consists in two Parts in the Disjunctive, and both are possible at the Time of the Obligation made, and afterwards one of them becomes impossible by the *Ait* of God; the Obligor is not bound to perform the other Part, for the Condition shall be taken beneficially for him. *Co. lib. 5. 22.*

**Diffacere**, To destroy. *Si vero non compareat Charta, sed ab illo qui inservire vult Diffacta sit, (that is, Torn). Du Cange.*

**Diffactio** is a Maiming any one. *In furto & murther & eis quæ ad Diffactionem pertinent. Leg. H. 1. c. 64, 88, 92.*

**Difforciare rectum**, To deny Justice, being required to do it. *Si quisquam de proceribus regni. Difforciaverit Archiepiscopo vel Archidiacono de se suisque justitiam exhibere, Dominus Rex debet eos justitiare.* *Mat. Paris Anno 1164.* Sometimes it signifies To take away; as *Difforciare dotem.* See *Deforcement.*

**Digestum**, the Book of Pandects of the Civil Law; so called, because it contains *Legalia præcepta* excellenter. *Digesta. Du Cange.*

**Dignitates**, **Dignitarii**, Are such as are advanced to any Ecclesiastical Promotion, as Dean, Archdeacon, Prebendary, &c. 3 par. *Inst. fol. 155.*

**Dignity** Ecclesiastical (*Dignitas Ecclesiastica*) is mentioned in the Stat. 26 H. 8. cap. 31, & 32. *ejusdem, cap. 15.* And is by the Canonists defined to be, *Administratio cum jurisdictione & potestate aliqua conjuncta*; whereof you may read Examples in *Duarenus, de Sacris Eccles. Ministris & Beneficiis, lib. 2. cap. 6.* Of Dignities and Prebends *Camden* reckons in England 544. *Britan. p. 161.*

**Dilapidation** (*Dilapidatio*) a wasteful Spending or Destroying; or the letting Buildings run to Ruin and Decay for want of due Reparation. *An. 13 Eliz. c. 10.* Money recovered for Dilapidations shall be employed in Repair of the same Houses. *Anno 14 El. cap. 11.*

**Diligatus**, *i. e.* Outlawed. *De Lege ejus, viz. Si quis Diligatus legalem hominem accusat, fuisseam dicimus vocem ejus.* Leg. Hen. 1. cap. 45.

**Dilligrou**, Pottage formerly made for the King's Table on his Coronation-Day. — *Robertus Agyllon tenet unam carucatam terre in Adington in com. Surre. per serjantiam faciendi unum ferculum in villa lutea in coquina Domini Regis die coronationis sue. Et vocatur Dilligrou*, 39 H. 3. — *Old Tenur. p. 1.*

**Demetæ**, *West-Wales*; scil. *Carmarthen, Pembroke, and Cardigan Shires.*

**Dimidietas**, The Moiety or one half. — *Sciatis quod Ego Matilda Filia Willielmi. le Franceys dedi — Waltero de Stetton Dimidietatem illius Burgagii, &c. sine dat. — Ex Libro Cart. Priorat. de Lecominstre.*

**Dimissory Letters**; When a Candidate for Holy Orders has a Title in one Diocese, and is to be ordain'd in another, the proper Diocesan gives *Letters dimissory* to some other ordaining Bishop, giving Leave that the Bearer may be ordain'd to such a Cure within his District.

**Dinarium**. A Dinner, the Meal opposed to *Prandium*. *Et carabit bladam per unum diem, & habebit tam ad dinarium quam ad prandium, panem, cervisiam, & carnes.* Consuetud. domus de Farendon. MS.

**Diocese**, *Diocesis*, A Greek Word compounded of *dia* and *ecclia*, and signifies with us the Circuit of every Bishop's Jurisdiction; for this Realm hath two Sorts of Divisions; one into Shires or Counties, in respect of Temporal Polity; the other into *Dioceses*, in respect of Jurisdiction Ecclesiastical, of which last we reckon in England Two and twenty, besides four in Wales. At first it signify'd a Parish; *Diocesis est proprie baptismalis Ecclesie territorium & Gubernatio.* Du Fresne.

**Dirationare**. See *Disrationare*.

**Dirge**, or *Dyge*, A mournful Ditty, or Song of Lamentation over the Dead; not a Contraction of the Lat. *Dirige*, in the Hymn *Dirige gressus meos*, as some pretend: But from the Teutonick *Dyrke* Laudare, to praise and extol: Whence it is possible their *Dirke* and our *Dirge* was a laudatory Song to commemorate and applaud the Dead.

**Dirochum**, *i. e.* Duplex resectio, viz. *Ipsiusque loci Abbas Regi deserviens gregem sibi commissum Dirocheco, i. e. Duplici passu joveat.* Monast. 1 Tom. p. 218.

**Ditum**, a Pecuniary Punishment.

**Disability**, *Disabilitas*, Is, when a Man is disabled of, or made incapable to inherit or take a Benefit which otherwise he might have done, which may happen four Ways, by the Act of the Ancestor, by the Act of the Party, by the Act of Law, and by the Act of God. 1. *Disability* by the Act of the Ancestor; as if a Man be attainted of Treason or Felony; by this Attainder his Blood is corrupt, and thereby himself and his Children disabled to inherit. 2. *Disability* by the Act of the Party himself; as if one Man make a Feoffment to another that then is sole, upon Condition, that he shall enfeof a Third before Marriage, and before the Feoffment made, the Feoffee takes a Wife;

he hath by that disabled himself to perform the Condition according to the Trust in him reposed, and therefore the Feoffor may enter, and oust him. *Lit. sect. 357.* So if I bind my self, that upon Surrender of a Lease, I will grant a new Estate to the Lessee, and afterwards I grant over my Reversion: In this Case, though I afterwards purchase the Reversion, yet I have forfeited my Obligation, because I was once disabled to perform it. *Co. lib. 5. fol. 21.* Also if a Man be excommunicated, he cannot during that Time sue any Action, but shall be thereby disabled. *Co. lib. 8. fol. 69.* and so in other Cases. 3. *Disability* by Act of Law, is properly when a Man by the sole Act of the Law is disabled, and so is an Alien born. And therefore if a Man born out of the King's Ligeance, will sue an Action, the Tenant or Defendant may say, That he was born in such a Country, out of the King's Ligeance, and demand Judgment if he shall be answered; for the Law is our Birth-right, to which an Alien is a Stranger, and therefore disabled to take any Benefit thereby. 4. *Disability*, by the Act of God, as to be *Non compos mentis*, or *non sana memoria*, which so disables him, that in all Cases where he gives or passes any Thing or Estate out of him, after his Death it may be disannulled and avoided. And here observe, That it is a Maxim in our Law, That a Man of full Age shall never be received to disable his own Person; and this Incapacity to disable himself, as to some, is personal, extending only to the Party himself; but as to others it is not personal, yet shall bind them as *Privies*. Now there are four manner of *Privies*, viz. *Privy in Blood*, as Heir. *Privy in Representation*, as Executors or Administrators. *Privies in Estate*, as Donee in Tail, the Reversion or Remainder in Fee, &c. And *Privies in Tenure*, as Lord and Tenant. Two of these may disable the Person of the Dead, which was *Non sana Memoria*, or, &c. and shall avoid his Grants or Feoffments, viz. *Privies in Blood* may shew the Disability of the Ancestor, and *Privies in Representation* the Infirmary of their Testator or Intestate. *Co. lib. 4. f. 123, 124.* See *Lit. sect. 405.* and *Co. lib. 8. fol. 43.*

**Disadvocate**, To deny, or not to acknowledge a Thing. 'Tis mentioned in *Hengham Magna, cap. 4. viz. Et ipse reus dedit in pleno Comitatu ipsi petenti hujusmodi servitia petita, & ipsum Disadvocat pro Domino.*

**Disalt**, Signifieth as much as to disable. Littleton in his Chapter of *Discontinuance*.

**Distocatie**, A Turning Wood Ground into arable or Pasture, an Affarting. See *Affart*.

**Disaligatus**, *i. e.* Without Shoes. *Dicentes nequaquam debere Regem adire tales Disaligatos ribaldos.* Walsigh. p. 248.

**Discharge**, Properly to unlade a Ship or Vessel by taking out the Cargo or Goods. — *Et predictus Prior careare & dischargare fecit ibidem Merchandisas & Denariatas quasunque.* Placit. Parl. 18 E. 1.

**Disceite**, see *Deceit* and *Deceptione*. See also the *New Book of Entries, verbo Disceit*.

**Discent**, *Disensus*, In the French *Descent*, signifies in the Common Law, an Order or Means whereby Lands or Tenements are derived unto any Man from his Ancestors; as to make his *Discent* from his Ancestors, *Old Nat. Brev. f. 101.* is to shew how, and by what Degrees the Land in Question came to him from his Ancestors; as first from his great Grandfather to his Grandfather,

ther, from his Grandfather to his Father, and so to him, or in other such like sort. This *Discent* is either *lineal*, or *collateral*; *Lineal Discent* is conveyed downwards, in a right Line from the Grandfather to the Father, and from the Father to the Son, and from the Son to the Nephew, &c. *Collateral Discent* is springing out of the Side of the whole Blood, as Grandfather's Brother, Father's Brother, &c. If one die seised of Land, (in which another has Right to enter,) and it descends to his Heir, such *Discent* shall take away the other's Right of Entry, and put him to his Action for Recovery thereof. Stat. 32 H. 8. c. 33. Coke on Lit. f. 237.

*Disclaim* (from the Fr. *Clamer*, with the Privative *Dis*) is a Plea containing an express Denial, Renouncing or *Disclaiming*; as, If the Tenant sue a Replevin upon a Distress taken by the Lord, and the Lord avow, saying, That he holds of him as of his Lord, and that he distrained for Rent not paid, or Service not performed; then the Tenant, denying to hold of such Lord, is said to *disclaim*; and the Lord proving the Tenant to hold of him, the Tenant loseth his Land. Also a Man denying himself to be of the Blood or Kindred of another in his Plea, is said to *disclaim* his Blood. See Coke on Litt. fol. 102. and Fitz. Nat. Brev. fol. 197. If a Man arraigned of Felony *disclaim* Goods, being cleared, he loseth them. See Broke and New Book of Entries, Tit. *Disclaimer*, and Staundf. Pl. Cor. f. 186. In Chancery, if a Defendant by his Answer *disclaim* the having any Interest in the Thing in Question, this is also called a *Disclaimer*.

*Discontinuance*, *Discontinuatio*, Cometh of the French *Discontinuer*, that is, *cessare*, and signifieth in the Common Law nothing else but an Interruption, or breaking off, and is twofold, *Discontinuance of Possession*, and *Discontinuance of Process*: The Effect of *Discontinuance of Possession* is this, That a Man may not enter upon his own Land or Tenements alienated, whatsoever his Right be unto them, of his own self, or by his own Authority; but must bring his Writ, and seek to recover Possession by Law; as, If a Man alien the Lands he hath in Right of his Wife; or if Tenant in Tail make any Feoffment, or Lease for Life, not warranted by the Stat. 32 H. 8. by Fine or Livery of Seisin; such Alienations are called *Discontinuances*: Which are indeed Impediments to an Entry, whereby the true Owner is left only to his Action. See the *Terms of the Law*, verbo *Discontinuance*. *Institutes of the Common Law*, c. 43. Co. Rep. lib. 3. Case Of Fines, fol. 85. The Effect of *Discontinuance of Plea or Process*, when the Instant is lost, and may not be regained, but by a new Writ to begin the Suit afresh: For to be *discontinued*, and to be put *sine die*, is all one, and nothing else but to be dismissed finally the Court. West. Symbol. part. 2. Tit. Fines, sect. 115. So Crompton in his *Jurisdictions*, fol. 131. useth it in these Words, If a Justice-Seat be discontinued by the not coming of the Justices, the King may renew the same by his Writ, &c. In this Signification Fitzherbert in his *Nat. Brev.* useth the Word divers Times, as *Discontinuance of Corrody*, fol. 193. To *discontinue* the Right of his Wife, 191, & 193. *Discontinuance of an Assise* 182, & 187. An. 31 El. c. 1. 12 Car. 2. ca. 4. 14. Car. 2. c. 10. Co. on Litt. 325.

*Disceus*, *Destus*, A Desk or leaning Shelf. *Super reparatiōe discorum, & stallorum in cancello Ecclesie controversia orta est.* Hist. Croyland. Con-

tin. pag. 521. So Robert de Replingham Chancellor of the Ch. of York. in his last Will proved 3 Kal. Sept. 1332. — Item *Cathedram meam & descum meum* Cancellar. Ebor. successori meo. Ex Collectan. Matth. Hutton. S. T. P. MS.

*Disfranchise*, To take away from any one his Privilege or Freedom. 14 Car. 2. cap. 31. It is contrary to *Enfranchise*, which see.

*Disgrading*, or *Degrading*, (*Degradatio*,) is the Punishment of a Clerk, who, being delivered to his Ordinary, cannot purge himself of the Offence, whereof he was convicted by the Jury; and it is the Privation or Devesting him of the Holy Orders which he had, as Priesthood, Deaconship, &c. Staundf. Pl. Cor. fol. 130, & 138. There is, likewise the *Degrading* of a Lord, Knight, &c. Sir Andrew Harcla, Earl of Carlisle, was convicted, degraded, and attainted of Treason. Hill. 18 E. 2. Coram Rege, Rot. 34, 35. When Judgment was pronounced against him, his Sword broken over his Head, and his Spurs hewn off his Heels, Sir Anthony Lucy, the Judge, said to him Andrew, now art thou no Knight, but a Knave. And by the Stat. 13 Car. 2. c. 15. William Lord Monson, Sir Henry Mildmay, and others therein named, were degraded from all Titles of Honour, Dignities, and Preheminencies, and none of them to bear or use the Title of Lord, Knight, Esquire, or Gentleman, or any Coat of Arms, for ever after, &c. By the Canon Law there are two Sorts of *Degrading*; one *summary*, by Word only; the other *solemn*, by devesting the Party degraded of those Ornaments and Rights which are the Ensigns of his Order or Degree. See Selden's *Titles of Honours*, fol. 787.

In former Times the *Degrading* a Clerk was no more than a Displacing or Suspension from his Office: But the Canonists have since distinguished between a Deposition and a *Degradation*; the last being a greater Punishment, because the Bishop takes from the Criminal all the Badges of his Order, and afterwards delivers him to the secular Judge, who deprives him of the Title of a Clerk. There are many Forms of *Degradation*, too long to enumerate here. Du Cange.

*Disherison* (Fr. *Desheritement*) is an old Word, signifying as much as *Disinheriting*. It is used in the Statute of Vouchers, made 20 Ed. 1. Our Lord the King considering his own Damage and Disherison of the Crown, &c. And in 8. R. 2. cap. 4.

*Disheitor*. — The Sheriff shall forthwith be punished as a Disheitor of our Lord the King, and his Crown. Anno 3 Ed. 1. cap. 39. One that *disinheriteth*, or puts another out of his Inheritance.

*Disine quinquinal*. See *Quinquinal Dismes*.

*Dismes*, *Decima*, Are Tithes, and signifieth the tenth Part of all the Fruits of the Earth, or Beasts, or our Labour due unto God; and so consequently to him that is of the Lord's Lot, that is, our Pastor. It signifieth also the Tenths of Spiritual Livings, yearly given to the Prince, called a *perpetual Dism*, 2 & 3 E. 6. c. 35. which in ancient Time were paid to the Pope, till Pope Urbane gave them to Richard the Second, to aid him against the French King Charles; and those others that upheld Clement the Seventh against him. Polydor. Virgil. Ang. Hist. lib. 20. Lastly, It signifieth a Tribute levied of the Temporality. Holinshed in H. 2. f. 111. Tithes are of three Sorts, *Predial*, *Personal*, *Mixt*: *Predial* Tithes are of Things that come of the Ground only,



as Corn, &c. *Personal Tithes* are paid of such Things as come of the Labour and Industry of Man's Person, as Buying and Selling, &c. *Mixt Tithes* are of Calves, Lambs, Pigs, and such like.

*Disparagement*, *Disparagatio*, Is in a 'legal Sense used especially for matching an Heir in Marriage under his or her Degree, or against Decency. See *Cowell's Institutes*, Tit. de Nuptiis, sect. 6. Co. on Littl. fol. 107. Lit. lib. 2. cap. 4.

*Dispauper'd*. When any Person by Reason of his Poverty, attested by his own Oath, of not being worth 5 l. his Debts being paid, is admitted to sue in *forma pauperis*, if afterwards before the Suit be ended, the same Party have any Lands, or personal Estate fallen to him, or that the Court, where the Sute depends, thinks fit for that or any other Reason, to take away that Privilege from him, then he is said to be *dispaupered*, i. e. put out of the Capacity of suing in *forma pauperis*.

*Dispensa*, a Buttery. *Habere debet uxor sub custodia sua claves Dispensæ suæ, archæ suæ & serinii sui*. Brañ. lib. 3. tract. 2. cap. 31. par. 9.

*Dispersonare*, To disparage, or scandalize. *Non es Depersonatus mihi ministrando cum sis filius Comitiss, ego Regis & Regine.*

*Disrationare*, and *Dirationare*, (Fr. *Defrener*.) To justify or make good the Denial of a Fact. *Eft contrarium ratiocinando asserere, vel quod assertum est ratiocinando destruere*. We now call it *Traverse*, or *Traverse*. *Dirationare* se has been used to clear one's self of a Crime. See *Gloss. in decem Scriptor.* and *Deraign*. *Sciatis me dedisse Deo & Ecclesie & Roberto Episcopo Lincolnie 12 bovatas terra quas Radulfus Basset Dirationavit esse in Dominio meo*. Mon. 3 Tom. p. 265.

*Dissignare*, To break open a Seal. *Sepulto patre Testamentum dissignatum est*. Neubrigenfis; lib. 2. c. 7.

*Disseisin*, *Disseisina*, Signifieth an unlawful Dispossessing a Man of his Land, Tenement, or other immoveable or incorporeal Right, *Institutes of the Common Law*, cap. 15. And how far this extendeth, see *Brañ. lib. 4. cap. 3*. And therefore the Assises be called *Writts of Disseisin*, that lie against *Disseisors* in any Case, whereof some be termed *little Writts of Disseisin*, being *Vicontiel*, that is, sueable before the Sheriff, in the County-Court. *Old Nat. Brev. fol. 109*. because they are determined by the Sheriff without Assise, *Reg. Orig. fol. 198. b.* as for Nufances of no great Prejudice: *Disseisin* is of two Sorts, either *simple*, committed by Day without Force and Arms, *Brañ. lib. 4. cap. 4. Brit. cap. 42, 43, 44*. where you shall find in what especially it is lawful, and in what not. *Brit. ca. 53*. And *Disseisin* by Force, for which see *De forcecor*, see *Fresh-disseisin*, *Redisseisin*, and *Post-disseisin*. See also *Skene de verbor. signif. verbo Disseisina*. How many ways it is committed, see *Eleta*, lib. 4. cap. 1. sect. fit autem, &c. and when it is lawful, cap. 2. Wrongful *Disseisin* is no Descent in Law. 32 H. 8. cap. 33.

*Disseisire*, To Disseise, Eject, or turn out of Possession. — *Rex Richardus primus disseisivit Gerardum de Camvilla de Castello & vicecomitatu Lincolnienfi. Paroch. Antiq. p. 151*.

*Disseisor*, Is he that putteth another out of his Land, and *Disseisee* is the Person so put out. 4 H. 4. cap. 7.

*Disseisor*, Is a Woman that disseiseth another. Co. on Lit. fol. 357. b.

*Disseisin* upon *Disseisin*, Is where a *Disseisor* disseiseth by another.

*Distress*, Signifies a Compulsion in certain real Actions, whereby to bring a Man to appear in Court, or to pay a Debt or Duty deny'd: The Effect whereof most commonly is to drive the Party *distrainted* to replevy the *Distress*, and so to take his Action of *Trespas* against the *Distraint*, or else to compound neighbourly with him for the Debt or Duty for which the *Distress* was made: In what Case a *Distress* is lawful, see *New Terms of the Law*. The *Civilians* call it *Pignorum captionem*: There are divers Things not *distrainable*, as another Man's Gown in the House of a Tailor, or Cloth in the House of a Fuller, Sheerman, or Weaver: For they, being common Artificers, it is presumed such Things belong not to themselves, but to others. *Virtual* is not *distrainable*, nor Corn in Sheaves, unless they be in a Cart: For a *Distress* ought to be of such Things whereof the Sheriff may make Replevin, and deliver again in as good Case as they were at the Time of the Taking. A Man may *distrain* for Homage of his Tenant, or Fealty, Esuage, and other Services, and for *Fines*, and *Amerciaments*, assessed in a Leet, (but not in a Court-Baron,) and for Damage-escalant, &c. but not for Rent due for any Land, except upon the same Land charged therewith, &c. When one hath taken a *Distress*, it behoves him to bring it to the Common Pound, or he may keep it in an open Place, so that he gives Notice to the Party, that he (if the *Distress* be a Quick Beast,) may give it Food. See the Stat. *De districtione Scaccarii*. 51 H. 3.

*Distress* is by *Briton*, cap. 71. divided into *Personal* and *Real*. *Distress Personal* is made by *distraint*ing a Man's moveable Goods, and seising all the Profits of his Lands and Tenements, from the *Teste* or Date of the Writ, for the Defendant's Contempt, in not appearing to an Action brought against him, after he was summoned or attached; and the Issues so returned by the Sheriffs are forfeited to the King, and estreated into the *Exchequer*.

*Distress Real* is made upon immoveable Goods. This differs from an *Attachment*; for that it cannot be taken by any common Person without the Compass of his own Fee; except it be presently after the Cattle, or other Thing, are driven or born off the Ground, purposely to avoid the *Distress*. *Fitz. Nat. Br. fol. 904*. See *Attach*, and the Statute 17 Car. 2. c. 7.

*Distress* is also divided into *Finite* and *Infinite*: *Finite* is that which is limited by Law, how often it shall be made to bring the Party to Trial of the Action, as once, twice, &c. *Old Nat. Br. fol. 43*. *Distress Infinite* is without Limitation, until the Party come; as against a Jury, which refuseth to appear upon Certificate of Assise, the Process is *Venire facias*, *Habeas corpora*, and *Distress Infinite*. *Old Nat. Br. f. 113*. Then it is divided into a *Grand Distress*, (*An. 52. H. 3. c. 7*.) which *Fitzherbert* calls *Magnam Districtionem*, and an *Ordinary Distress*. A *Grand Distress* is that which is made of all the Goods and Chattels that the Party hath within the County. *Briton*, cap. 26. fol. 52. But see whether it be not sometimes all one with a *Distress Infinite*. *Idem*, fol. 80. with whom also the Statute of *Marlbridge* seems to agree. *An. 52. H. 3.*

cap. 7, 9, & 12. See *Grand Distress* and *Attachment*.

**District** (*Districus*) is the Place in which a Man hath the Power of *Distraint*, or the Circuit or Territory wherein one may be compelled to appear. *Briton*, cap. 120. Where we say, *Hors de son fee*; others say, *Extra districtum suum*.

**Distractiones**, *Distraints*, or Goods *Distraigned*, or *Distresses*, kept in Custody till Payment and full Satisfaction be made. — *Possunt Nos & Successores nostros & predictas omnes terras* — *distringere ad solutionem memoratam, & distractiones retinere quousque plenarie fuerit satisfactum*. *Paroch. Antiq.* p. 344.

**Distringas** is a Writ directed to the Sheriff, or any other Officer, commanding him to *distrain* one for a Debt to the King, &c. or for his not Appearance at a Day. See great Diversity of this Writ in the *Table of Register Judic. verbo Distringas*. This was sometimes of old called *Constringas*, as appears by this Writ. *Lib. Ramif. sect. 227. Henricus Rex Anglia hominibus Abbatibus de Ramesia salutem. Precipio quod cito & juste reddatis Abbatibus Domino vestro, quicquid ei debetis in censu, & firma, & debitis, & placitis, sicut juste monstrare poterit quod ei debeatis. Quod si nolueritis, ipse vos inde constringat per pecuniam vestram. Teste Cancellar. apud Gloucester. By Pecuniam vestram, in those Days, was understood Bona & catalla.*

**Divadiatus**, i. e. a Thing given in Pledge. 'Tis often mentioned in *Domesday*, viz. *Si abierit domum non apprehensus vel Divadiatus*. *Gale*, 760. So in *Leg. H. 1. c. 57. Nisi quis retentus vel Divadiatus sit vel plegiatus pro culpa sua, &c.*

**Divel** on the Neck. A tormenting Engine formerly in use among the prosecuting Papists, to extort Confession and Apostacy from the Poor Lollards. It is thus described by Mr. Fox in his *Acts & Mon. sub R. H. 8. Certain strait Irons called the Divel on his Neck being after an horrible sort devised, straitning and winching the Neck of a Man with his Legs together, in such sort as the more he stirreth in it, the straiter it presseth him, so that within three or four Hours, it breaketh and crusheth a Man's Back and Body in Pieces.*

**Dividend** in the Exchequer, Seems to be one Part of an Indenture. *An. 10 E. 1. c. 11. & 28 E. 1. Stat. 3. c. 2.*

**Dividend** in the University, Is that Share or Part which every one of the Fellows do justly and equally divide among themselves of their Annual Stipend.

**Divicenda**, The Word was anciently used for Indenture. *Claus. 6. Ed. 2. in Dorso. M. 24. and Stat. de Escheutoribus 29 Ed. 1.* —

**Divisa** signifies a *Devise* of Goods by a last Will, and sometimes a Will it self. *Gervaf. Doro.* writing of the Will of Henry II. Anno 1182. tells us, *Notum facio quod apud Waltham feci divisam meam de quadam parte pecunie mee in hunc modum, &c.* Sometimes 'tis taken for a Charity given by a last Will; as in *Eadmerus*, lib. 1. p. 8. *Huic quadam vice solidi quinque de illis (nam Divisa per temporum vices conferebantur) ex precepto ejus dati sunt, &c.* Sometimes it signifies a Parcel or Portion of Land devised by a last Will, or set apart, *Divisi Limitibus*. *Leg. Inx, cap. 44. Ceorli habeant herbagium in Communi, vel aliam compascualem terram vel Divisam claudendam.* Sometimes 'tis taken for the Bounds of a Place or Farm, as in *Leg. H. 1. c. 57. Si inter compares vicinos utrin-*

*que sint querela, convenient ad divisas terrarum.* And sometimes it signifies an Award, as in *Leg. H. 2. c. 9. Omnis causa terminetur vel in Comitatu vel divisis parium.*

**Divisæ**, *Divises* or Bounds, *Divisas perambulare*, to walk the Bounds of a Parish. — *Ut supra terram unde calumpniata fuit, ipsa cum suis, ego vero cum meis ad divisas perambulandas congenerimus.* *Cartular. Rading. MS. f. 108. b.* So is *Divisa* used for the Borders or Limits of Division between Lands, Parishes, or Countries, — *Sic usque Hetheneburn inter Akemansfrete inter devisas inter com. Oxon. & Buck. Paroch. Antiq. pa. 324.* Hence the *Divises*, or *Divizes*, a Town in *Wiltshire*, situate on the Confine of the *West-Saxon* and *Mercian Kingdoms*.

**Divise**. See *Devise*.

**Divorce** (*Divortium*, a *divertendo*) is a Separation of two *de facto* married together; of which there are two Kinds; one a *Vinculo Matrimonii*; the other a *Mensa & Thoro*. The Woman divorced a *Vinculo Matrimonii*, receives all again that she brought with her. This only arises upon a Nullity of the Marriage, through some essential Impediment, as Consanguinity or Affinity within the Degrees forbidden, Precontract, Impotency, &c. Of which Impediments the Canon Law allows fourteen, comprehended in these Verses:

*Error, Conditio, Votum, Cognatio, Crimen, Cultus, Disparitas, Vis, Ordo, Ligamen, Honestas, Si sis affinis, Si forte coire nequibis, Si Parochi & duplicis desit presentia testis, Raptave sit mulier, nec parti reddita tuta.*

**Divorce** is a Judgment Spiritual; wherefore, if there be Occasion, it ought to be reversed in the Spiritual Court. See *Coke*, lib. 7. *Kenne's Case*. *Idem*, lib. 5. f. 98. and on *Littl. f. 235.*

In the old Law, the Woman divorced was to have of her Husband a Writing (as *St. Jerome* and *Iosephus* testify) to this Effect, *I promise, that hereafter I will lay no Claim to thee*; which was called, *A Bill of Divorce*.

**Diurnalis**, as much Land as can be plowed in a Day with one Ox; an Acre of Land. In some Authors 'tis wrote *Diuturna*. *Similiter concedi duas Diuturnas telluris.*

**Dobuni**, *Gloucestershire* and *Oxfordshire*, or the Inhabitants of that Part of *Oxfordshire* next *Gloucestershire*.

**Docket**, Is a Brief in Writing, *Anno 2 & 3 P. & M. cap. 6. West.* writeth it *Dogget*, by whom it seemeth to be some small Piece of Paper or Parchment, containing the Effect of a larger Writing. *Symbol. part. 2. Tit. Fines, sect. 106.*

**Do do Latr, Facere Legem**, Is the same with to make Law. *23 Hen. 6. cap. 14. See Make.*

**Doctor and Student**, Is a Book containing certain Dialogues between a Doctor of Divinity, and a Student at the Common Law, wherein are contained Questions and Cases, as well of the Equity and Conscience used in the Common Law, as also a Comparison of the Civil, Canon, and Common Law together, very worthy the Reading. The Author is said to be one *Saint German*, and the Book was written in the Time of *Henry the Eighth*.

**Dog-days** are Sixty-four in all, *a tertio Idus Julii usque in Idus Septembris.*

**Dog-draw**, Is an apparent Deprehension of an Offender against Venison in the Forest. There be four of these mentioned by Manwood in his *Forest-Law*, cap. 18. num. 9. viz. *Stable-stand*, *Dog-draw*, *Back-bear*, and *Bloody-hand*; where he saith, That, *Dog-draw* is where any Man hath stricken or wounded a wild Beast, by shooting at him either with Cross-bow, Long-bow, or otherwise, and is found with a Hound, or other *Dog drawing* after him to receive the same.

**Dogger**, A Kind of a little Ship. *Anno 31 Ed. 3. Stat. 3. cap. 1.* All the Ships called Doggers and Landships, &c.

**Dogger-fish**, (*Ibidem*, cap. 2.) Seems to be Fish brought in those Ships to *Blackness-Haven*, &c.

**Dogger-men**, (25 Hen. 8. cap. 4.) Fishermen that belong to Dogger-ships.

**Doggit**. See *Docket*.

**Doitkin**, A base Coin prohibited by 3 H. 5. cap. 1. Hence probably we retain that Phrase when we would undervalue a Man, to say, *He is not worth a Doit or Doitkin.*

**Dole** (*Dola*, Sax. *Dæl*, Pars, portio, from *Delan*, Dividere, Distribuire) is a Part or Portion most commonly of a Meadow, so called to this Day; as *Dole-Meadow*, (*Anno 4 Jac. cap. 11.*) where several Persons have Shares. In *le Submede* (i. e. *prato australi*) habet Prior per sortem illam qua vocatur *Crumdprest*, tres *Dolas*, sicut fors illa cadit. Et in qualibet *Dola*, habet 4 *Polas*, five octo *anden*as (i. e. *Swaths*) jacentes simul. Lib. Priorat. *Dunstable*, cap. 5. We still retain the Word to signify a Share, as to deal a *Dole*; he dealt his *Dole* among so many poor People, that is, he gave every one a Share or Part.

**Dolefish**, Seems to be that Fish, which the Fishermen yearly employ'd in the North-seas, do of Custom receive for their Allowance. See the Stat. 35 H. 8. cap. 7.

**Dolgbote**, A Recompence made for a Scar or Wound, Sax. *Didion*. Inter Leg. *Aluredi Regis*; cap. 23. *legiter Dolgbot*.

**Doin** and **Dom**, Words used in ancient Charters, signifying a Power of Judging, and Security in Possessing. See *Doom*.

**Domboc**, A Saxon Word signifying *Liber Judicialis* as appears by the Laws of King Edward the Elder, cap. 8. This was probably a Book of Statutes proper to the English Saxons, wherein perhaps the Laws of former Saxon Kings were contained: That Chapter seeming to refer to the Laws of King Ina, cap. 29.

**Dome**, or **Doom**, (Saxon *Dom*.) a Judgment, Sentence, Ordinance, or Decree. The Homager's Oath in the *Black Book* of Hereford, fol. 46. ends thus, — So help me God at his Holy Dome, and by my Trothothe. See *Doom*.

**Domesday**, (*Liber Judiciarius*, vel *Censualis Anglia*, from the Saxon *Dom*, i. e. *Census* vel *Æstimatio*, not *Domesdei*, nor *Domus Dei*, as some Authors write it,) is a most ancient Record, made in William the Conqueror's Time, and now remaining in the Exchequer fair and legible, consisting of two Volumes, a greater and a less; the greater comprehending all the Counties of England, except *Northumberland*, *Cumberland*, *Westmorland*, *Durham*, and Part of *Lancashire*, which were never survey'd; and except *Essex*, *Suffolk*, and *Norfolk*, which three are comprehended in the

lesser Volume, which concludes with these Words; *Anno Millesimo Octogesimo Sexto ab Incarnatione Domini, vigesimo vero Regni Willielmi, facta est ista descriptio, non solum per hos tres Comitatus, sed etiam alios.* It is called *Liber Judiciarius*, quia in eo totius Regni descriptio diligens continetur, singulorumque fundorum valentia exprimitur. And *Domesday*, (as *Gerv. Tilbur.* says,) *Non quod in eo de præpositis aliquibus dubiis feratur sententia, sed quod a prædicto Judicio non liceat ulla ratione discedere.* It was begun by five Justices, assigned for the Purpose in each County, in the Year 1081, and finished 1086. *Cambden* calls it *Gulielmi Librum Censualem*, the Tax-book of King William. See more of it in *Spelm. Gloss.* and 4 *Inst.* fol. 269. The Dean and Chapter of York have a Register called also *Domesday*; so has the Bishop of Worcester: And there is an ancient Roll in Chester-Castle called *Domesday-Roll*.

Our Ancestors had many *Dome-Books*: We are told by *Ingulpbus*, pag. 870. and 908. that King Alfred made *Taleni Rotulum* qualem *Gulielmus notibus*, which he called *Domesday*; and sometimes the *Winchester-Roll*, because it was kept there.

The *Domesday-book* made by *Will. 1.* referred to the Time of Edward the Confessor, as that of King Alfred did to the Time of *Æthelred*: For the Entries are thus made, *C. tenet Rex Willielmus in dominico & valet, &c. ibi carucate, &c. T.R.E. palebat, &c. i. e.* It was worth so much, tempore Regis Edwardi. And this Book is called *Magna Rolla Winton*.

The third Book, which differs from the other in Form more than in Matter, was made by the Command of the same King. The one being large, and in *Folio*, but this lesser, and in *Quarto*; it seems to be the more ancient of the two. 'Tis fairer written, and hath very few Rasures. See *Monasticon*, 1 Tom. pag. 272.

'Tis probable *Ingulpbus*, though he lived near those Days, never saw these Books; for he writes of incorporating these Rolls, as if at that Time they had not been made up in two Volumes: Of both which the Honourable Sir John Trevor, Master of the Rolls, hath a very fine and exact Copy.

There is a fourth Book kept in the Exchequer, which is called *Domesday*; and though a great Volume, is only an Abridgment of the other two. It hath many Pictures and gilt Letters in the Beginning, which refer to the Time of Edward the Confessor. And this led him, who made *Notes* on *Fitzberbert's Register*, into a Mistake, who, in fol. 14. tells us, that *Liber Domesday factus fuit tempore Regis Edwardi*.

There is a fifth Book kept in the Remembrancer's Office, which is the very same with the Fourth beforementioned.

'Tis generally known that the Question, whether Lands are ancient *Demesne*, or not, is to be decided by the *Domesday* of *Will. 1.* from whence there is no Appeal; nor is there any Averment to be made against it: And 'tis a Book of that Authority, that even the Conqueror himself submitted some Cases, wherein he was concerned, to be decided by it. What is contained in this Book appears by these old Verses.

*Quid deberetur fisio, quæ, quantæ Tributæ,  
Nominè quid Census, quæ vestigialia, quantum  
Quisque teneretur feudali solvere jure,*

U

Qui

*Qui sunt exempti, vel quos Angaria damnat,  
Qui sint vel Gleba servi, vel Conditionis,  
Quove manumissus patrono jure ligatur.*

**Domes-men, Judges, or Men appointed to doom and determine Suits or Quarrels.** —

*Qui infra libertatem seu hundredum de Irchenfeld com. Heref. faciunt sectam ad curiam Hundredi, ut minores lites dirimant, vocantur Domes-men, i. e. Judices seu Homines Judicarii.* See Sil. Taylor of Gavelkind. p. 110. Hence falling of Domes is the Scotch Phrase for reversing of Judgment, or annulling of Decrees. Hence, *Domer judicium*, and *ag-deme*, I Deem or Judge.

**Domicellus and Domicella, John of Gaunt, Duke of Lancaster, had by Katharine Swinford, before Marriage, four Illegitimate Children, viz. Henry, John, Thomas, and Joan; and because they were born at Beaufort in France, they were vulgarly called Henry de Beaufort, &c. John before 20 Rich. 2. was Knighted, and Henry became Priest. At the Parliament holden 20 Rich. 2. the King by his Charter did legitimate these Children.**

**Rex.** — *Charissimis consanguineis nostris nobilibus viris Johanni Militi, Henrico Clerico, Thoma Domicello ac dilecta nobis nobili mulieri Johanna Domicellæ, Germanis præcharissimi Avunculi nostri, Joh. Ducis Lanc. natis ligis nostris, salutem, &c. Teste Rege apud Westm. 9. die Febr. per ipsum Regem in Parlamento.* In this Act (says Sir Edward Coke, 4 Inst. fol. 37.) the said Thomas could not be called Esquire, and therefore had the Addition *Domicello*, which (says he) signifies a young Soldier not yet Knighted, or nobly born, &c. which is a Mistake: For there is no such French Word as *Domicel*, but *Demoisel*. Nor can *Domicellus* properly be derived from thence, but is an obsolete Latin Word, anciently given as an Appellation or Addition to the King's (Natural) Sons in France, and sometimes to the eldest Sons of Noblemen there; whence, doubtless, we borrow the Words. See Spelm. Gloss. verbo *Domicellus*. *Tidemannus permissione Divina Wigorn. Episcopus dilecto in Christo filio Johanni de Eulwode nostra Dioc. Domicello, salutem.*

**Dat. 7 Febr. 19 Rich. 2.** Here it is used to a private Gentleman, as Lord of a Manor. — *Sed nos indiscrete de pluribus Dominis, quia Barones vocamus Domicellos, Angli vero nullum nisi natos Regum, &c. Hoveden, f. 347. n. 50.*

But *Domicelli* are only the better Sort of Servants, as appears by Thorn. fol. 1748. *Domicellus Abbatii*, and *Domicelli & Servientes Monasterii*, pag. 1990.

**Domigerium, Damage, Danger.** — *Vitam suam in laboribus variis ducens cum Domigerio magno mendicando.* Hist. Elien. apud Whartoni Angl. Sac. P. 1. p. 652. *Credebant Londinenses quod per hac dona Domigerium evasissent.* Walsingh. 1392. *Emolumentum Regi accrevit & Domigerium ad populum.* Knighton, Anno 1352. In another Place 'tis taken for Power over another; *Sub domigerio alicujus vel manu esse.* Braët. lib. 4. tract. 1. cap. 19. par. 2.

**Domus, A Title given properly to those honourable Women, who in their own Right of Inheritance held a Barony. So Maud the Daughter of Robertus de Oilly sen, who inherited the Honour of Walsingford, was therefore stiled Matildis Domina de Walsingford.** Paroch. Antiq. p. 78.

**Dominica in Ramis Palmarum, Is Palm-Sunday, so called, because on that Day they used**

to distribute Branches of Palm and other green Boughs in Commemoration of our Lord's Riding to Jerusalem, and the People cut Palm Boughs, &c. to strew in the Way, crying *Hosanna. Md. quod ego Henricus de Erdington feci Homagium & Fidelitatem Domino Will. de Stafford apud Bromsbulf in Com. Staff. die Mercurii prox. ante Dominicam in Ramis Palmarum, Anno Regni Regis Edw. xxliii. pro terris & tenementis quæ teneo in Villa de Hunstan-scot in Com. War, &c.*

**Dominicum, Demain, or Demesne, Terra dominicalis.** Lands not rented to Tenants, but held in Demesne, or in the Lord's own Use and Occupation. *Antiquum Dominicum Regis*, the King's antient Demesne, are such Royal Manors as were reserved to the Crown, to yield Provision for the King's Household, and so let out in Socage for Farms or Victuals, or in Serjeanty for some Domestic Services: but not disposed of to Barons or Knights to be held by any Feudatory or Military Service. See *Demain*.

**Dominium, Right or Legal Power.** — *In silva disti manerii sive Domini de Pidintona, aut infra præcinctum ejusdem, non habent aliqui extranei dominium aliquo modo in parte vel in toto se intrromittere.* Paroch. Antiq. p. 498.

**Dominus, In ancient Times being prefixed to a Name, usually denoted him a Knight, or a Clergyman. For so we find it often in Charters, with His Testibus Domino Edwardo de Sancto Mauro, Willielmo —, &c. Howbeit, I think sometimes that Title was given to a Gentleman of Quality, tho' not a Knight, especially if he were Lord of a Manor.**

**Domo Reparanda, Is a Writ for one against his Neighbour, by the Fall of whose Houfe he feareth Hurt to his own.** Reg. Orig. fol. 153. In this Case the Civilians have the Action *de damno infecto*.

**Domus Conberforum.** See Rolls.

**Domus Dei, The Hospital of St. John in Jerusalem.** So called in Mon. Angl. 2 Part, fol. 440.

**Dona, Any Sort of Property, Good or Endowment.** — *Per captionem & retentionem averiorum nostrorum & aliorum Donorum quorumcumque ad nostrum Monasterium spectantium.* Cartular. Abbat. Glaston. MS. f. 48.

**Donative, Is a Benefice merely given and collated by the Patron to a Man, without either Presentation to the Ordinary, or Institution by the Ordinary, or Induction by his Commandment.** F. N. B. fol. 35. Of this Petr. Gregor. de benef. cap. 11. nu. 1. hath these Words, *Si tamen capella fundata per Laicos non fuerint a Diocesano approbata & (ut loquuntur) Spiritualizata, non censentur Beneficia, nec ab Episcopo conferri possunt, sed sunt sub pia dispositione fundatoris.* And Mr. Gwin in the Preface of his Reading, saith, That as the King might of ancient Times found a Free Chapel, and exempt it from the Jurisdiction of the Diocesan; so he might also by his Letters Patent license a common Person to found such a Chapel, and to ordain, that it shall be *Donative*, and not presentable, and that the Chaplain shall be deprivable by the Founder and his Heirs, and not by the Bishop; and this is most likely to be the Original of these *Donatives* in England. Fitzherbert saith, That there be some Chantreys which a Man may give by Letters Patent. Nat. Brev. 33. 42. All Bishopricks were in ancient Time *Donative* by the King. Co. lib. 3. fol. 75.

**Donor**



**Donor** and **Donee**, *Donor*, Is he who gives Lands or Tenements to another, and he to whom the same is given is the *Donee*.

**Doom** or **Dome**, Saxon *Dom*, A Judgment, Sentence, Ordinance or Decree; also Sense or Signification. *Substantiva quadam* (says Mr. Somner) *exerunt in Domi, ubi compositionis gratia videtur appositum, & quandoque munus denotat vel Officium, item Ditionem & Dominium, ut in Kingdom, Earldom, &c.*—*Habent Girtbrieche & Forstal, & Dom, & Som, & Wreche in Mari. Mon. Angl.* 1. par. fol. 284. a. See *Oath*.

**Dorchester**. See *Durnovaria*.

**Dorobernia**. *Canterbury*.

**Dorsalt**, A Cloth or Curtain, hanging in the Choire, so called because *Sedenti ad dorsum appenditur*.

*Tresque dedit cappas, dorsalia plura, tapetas.*

**Dorsile**. See *dorsale*.

**Dorture**, *Dormitorium*, Anno 25 H. 8. cap. 11. is the common Room, Place or Chamber, where all the Friars of one Convent slept and lay all Night.

**Dorsens**, Streight Cloaths made in Devonshire, and so called in *Rot. Par. 2 Hen. 5.*

**Dorsale**, *Dorsale*, Hangings, Tapestry.—*Dederat ei duo dorsalia honesta. Rog. Hovenden sub ann 954.*—*Dorsale* *see tapestry*—*Mat. Par. in vit. Abb. S. Albani.*

**Dote Assignanda**, Is a Writ that lay for a Widow, where it was found by Office, That the King's Tenant was seised of Tenements in Fee or Fee-tail, at the Day of his Death; and that he held of the King in Chief, &c. In which Case, the Widow came into the Chancery, and there made Oath, That she would not marry without the King's Leave. Anno 15 Edw. 3. cap. 4. And hereupon she had this Writ to the Escheator, for which, See *Reg. of Writs, fol. 297.* and *F. N. B. f. 263.* These Widows are called the *King's Widows*. See *Widow*.

**Dote unde nihil habet**, Is a Writ of Dower, that lieth for the Widow against the Tenant, which bought Land of her Husband in his Lifetime, whereof he was seised solely in Fee-simple or Fee-tail, in such Sort as the Issue of them both might have inherited it. *F. N. B. fol. 147. Regist. fol. 170.*

**Dotis admeasurement**. See *Admeasurement*, and the *Reg. Orig. fol. 171.*

**Double Plea**, (*Duplex Placitum*) Is that wherein the Defendant alledgeth for himself two several Matters in Bar of the Plaintiff's Action, whereof either is sufficient to effect his Desire, which shall not be admitted for a Plea. As, if a Man alledge several Matters, the one nothing depending upon the other, the Plea is accounted *Double*, and not admittable; but, if they be mutually depending each of other, then it is accounted single. *Kitchin, fol. 223.* See *Brook, hoc tit.* And Sir Tho. Smith gives this Reason why such *Double Plea* is not admitted by our Law; because the Trial is by twelverude Men, whose Heads are not to be troubled with over many Things at once. *Lib. 2. de Rep. Angl. cap. 13.*

**Double Quarrel**, *Duplex Querela*, Is a Complaint made by any Clerk, or other, to the Archbishop of the Province against an inferior Ordinary, for delaying of Justice in some Cause Ecclesiastical, as to give Sentence, to institute a

Clerk presented, or the like: The Effect whereof is, that the said Archbishop taking Knowledge of such Delay, directeth his Letters under his authentick Seal, to all and singular Clerks of his Province, thereby commanding and authorising them; and every of them, to admonish the said Ordinary, within a certain Number of Days, namely, nine Days, to do the Justice required, or otherwise to cite him to appear before him or his Official at a Day, in the said Letters prefixed, and there to alledge the Cause of his Delay. And lastly, to intimate to the Ordinary, that if he neither perform the Thing enjoined, nor appear at the Day assigned, he himself will without further Delay proceed to perform the Justice required: And this seemeth to be termed a *double Quarrel*, because it is most commonly made against both the Judge, and him at whose Petition Justice is delayed.

**Doubleg**, (*Anno 14 H. 6. cap. 6.*) Signify as much as Letters Patent, being a French Word made of the Latin *Diploma*.

**Dover**. See *Dubris*.

**Douze Peers**, Were twelve Peers in Henry the Third's Time, who were appointed at the Instance of the Barons, to be as Privy Counsellors to the King, or rather *Conservators* of the Kingdom.

**Dow**, To give, from the Latin, *Do*.

**Dowager**, (*Dotissa*) A Widow endowed, or that hath a Jointure; a Title or Addition, applied to the Widows of Princes, Dukes, Earls, and Persons of Honour only.

**Dowcates**, The same with *Dovecotes*.

**Dower**, (*Dos* and *Dotarium*) The first (*Dos*) properly signifies that which the Wife brings her Husband in Marriage, otherwise called *Maritagium*, Marriage-Goods: The other, *Dotarium* or *Doarium* that Portion of Lands or Tenements which she hath for Term of her Life from her Husband, if she out-live him. *Glanville, lib. 7. cap. 1. Bracton, lib. 2. cap. 28. Briton, cap. 101. in Princip.* Some Authors have for Distinction, called the First a *Dowry*, and the others a *Dower*, but they are often confounded. Of the former our Law-Books speak little, this only may be noted; That whereas by the Civil Law, Instruments are made before Marriage, which contain the Quantity of the Wife's *Dowry*, or Substance brought to her Husband, that he, having the Use of it during Marriage, may, after certain Deductions, restore it again to the Wife's Heirs or Friends, after the Marriage dissolved. The Common Law of England, whatsoever Chattels, Moveable or Immoveable, or ready Money she brings, makes them forthwith her Husband's own, to be disposed of as he will, leaving her at his Curtesy, to bestow any Thing or Nothing upon her at his Death: Only if she be an Inheritrix, the Husband holds her Land but during her Life, except he have Issue by her; and then he holds it by the *Curtesy* of England, during his own Life. See *Curtesy*. Of the later, there are five Kinds, viz.

1. Dower *per Legem Communem.*
2. Dower *per Consuetudinem.*
3. Dower *ex Assensu Patris.*
4. Dower *ad Ostium Ecclesie.*
5. Dower *de la plus Belle.*

**Dower by the Common Law** is a third Part of such Lands, as the Husband was sole seised of in Fee, during the Marriage, which the Wife is to enjoy during her Life; for which there lies a Writ of *Dower*. *Dower by Custom* gives the Wife, in some Places, half her Husband's Lands, so long as she lives sole, as in *Gavelkind*: And as *Custom* may enlarge, so may it abridge *Dower*, and restrain it to a fourth Part: *Ex Assensu Patris, ad Optum Ecclesie*, the Wife may have so much *Dower*, as shall be so assigned or agreed upon, but it ought not to exceed a third Part of the Husband's Lands. *Glanv. lib. 6. cap. 1.* And if it be done before Marriage, it is called a *Jointure*. *Dower de la plus Belle* is when the Wife is endowed of the fairest or best Part of her Husband's Estate. See *Coke on Littl. fol. 33. b. Romanis non in usu fuit uxoris Dotes retribuere, ideo verbo genuino carent quo hoc dignoscitur; & rem ipsam in Germanorum moribus miratur Tacitus, Dotem (inquit) non uxor marito, sed uxori maritus affert. Spelm.*

To the Consummation of *Dower* three Things are necessary, viz. *Marriage, Seisin, and the Husband's Death*. *Bingham's Case, 2 Rep.* If the Wife be past the Age of nine Years at the Death of her Husband, she shall be endowed. If a Woman elope, or go away from her Husband with an Adulterer, and will not be reconciled, she loseth her *Dower*, by the Stat. of *West. 2. cap. 34. 2 Part. Inst. fol. 433.*

*Cambden*, (in his *Brit. Tit. Suffex*) relates this memorable Case, (out of the *Parl. Records. 30 Edw. 1.*) Sir *John Camois*, Son of the Lord *Ralph Camois*, of his own free Will, gave and demised his own Wife, *Margaret*, Daughter and Heir of *John de Gatesden*, unto Sir *Will. Panell*, Knight; and unto the same *William*, gave, granted, released and quit-claimed all her Goods and Chattels, &c. So that neither he himself, nor any Man else in his Name, might make Claim, or ever challenge any Interest in the said *Margaret*, or in her Goods and Chattels, &c. By which Grant, when she demanded her *Dower* in the Manor of *Torpell*, Part of the Possessions of Sir *John Camois*, her first Husband, then deceased, there grew a memorable Suit in Law, but wherein she was overthrown, and Judgment pronounced (in Parliament 30 *Edw. 1.*) That she ought to have no *Dower* from thence, upon the Stat. of *West. 2. Quia recessit a marito suo in vita sua, & vixit in Adulterio cum predicto Gulielmo, &c.* This Case is cited also in 2 *Inst. fol. 435.*

Of *Dower*, read *Eleta*, who writes largely and learnedly of it, *Lib. 5. cap. 22. & seq.*

Among the *Jeys*, the Bridegroom, at the Time of the Marriage, gave his Wife a *Dowry-Bill*, the Form whereof you may see in *Moses and Aaron, pag. 235.*

**Dowle and Deal**, A Division; from the *Brit. Dal, divisio*, from the *Sax. Dalan, i. e. dividere*, and from thence comes the Word *Dealing*. So the Stones which are laid to the Boundaries of Lands, are called *Dowlestones, i. e.* such which divide the Lands.

**Dowlsmeys**, A Sort of *Kerseys* made in *Devonshire*, in Length twelve Yards.

**Dozen**, *Decenna*, In the Statute for View of Frankpledge made 18 *E. 2.* one of the Articles for Stewards in their Leets to enquire of, is, If all the *Dozens* be in the Assise of our Lord the King, and which not, and who receive them. *Art. 3.* See *Deciners*. There is also a Sort of *Devonshire Kerseys* called *Dozens, 5 & 6 E. 6. cap. 6.*

**Dracca, A Drain.**—*Cum Triginta aeris prati juxta dictum novum locum ex parte occidentali in Dracca juxta fossatum de Redeclos jacentibus.*—*Contin. Hist. Croyland. p. 479.* The Word is printed *Dracca*, but I think it a Mistake for *Drana*.

**Draco Regis**, The Standard, Ensign, or Military Colours bore in War by our former Kings, having the Figure of a Dragon upon them.—*Cum Rex Angliæ fixisset signum suum in medio, & tradidisset Draconem suum Petro de Portellis ad portandum*—*Rog. Hoved. sub anno 1191.* See *Watte's Glossary.*

**Dragium, Drag**, A courser Sort of Bread-Corn.—*Item reddit computum de duobus quarteriis avena de toto exitu grangia trituvatis per summam, & de xvii. quarteriis & tribus bussellis Dragii supra mixtis*—*& trituvabit bussellos ordeï vel dragei avena*—*Consuetud. Domus de Farendon MS. f. 11.* In *Staffordshire* they now use a Sort of Malt made of Oats mixed with Barley, which they call *Dreg Malt*. And in *Essex, &c.* they have a Grain called *Dreg*, of which *Tho. Tusser* in his *Husbandry, p. 32.*

*Sow Barley and Dreg with a plentiful Hand,  
Lest Weed sted of Seed overgroweth thy Land,  
Thy Dreg and thy Barley go Thresh out to Malt.*

**Drags**, *Anno 6 H. 6. cap. 5.* Seem to be Wood or Timber so joined together, that swimming or floating upon the Water, they may bear a Burden, or Load of other Wares down a River.

**Drana**, A Drain, or Water-course to sew and empty wet Places.—*Concessimus lunum illam que est juxta dranam quam Walterus Filius Amfridi tenuit. Cartular. Abbat. Glaston. MS. f. 29.*—*Illud pratum in Thislemer quod est intra vetus fossatum & nemus de Godeshall, & inter Dranam, & ripariam de Avene cum tota crista dicti fossati. Cartular. Abbat. Radinges. MS. f. 10. a.*

**Drascus**, Grains, or the Refuse of Malt after Brewing, called still in some Places *Draines*, and *Drass*.—*Et prebendam quotidianam ad duos equos de granario nostro sumendam, unum cribrum fursuris, & majorem cuam de Drasco, i. e. a great Basket of Grains. Mat. Par. in Vit. Abb. S. Albani.*

**Draw-Gere**, Any Harness or other Furniture of Cart-Horses for drawing a Waggon or other Carriage.—*Pro factura de Draw-Gere per Walterum Carpenter de Langton III. Paroch. Antiq. p. 549.* See *Mr. Kennet's Glossary.*

**Drawlatches**, *Anno 5 E. 3. cap. 14.* and *Anno 7 R. 2. cap. 5.* *Lambard* in his *Eirenarcha, lib. 2. c. 6.* calleth them *Miching Thieves*, as *Walters and Roberts Men, Mighty Thieves*, saying, That the Words be grown out of use.

**Dreit-Dreit**, Signifies a double Right, that is, *Jus Possessionis & Jus Domini*. *Bract. lib. 4. cap. 27. & lib. 4. tract. 4. cap. 4 & 5. tract. 5. cap. 5. Co. on Lit. fol. 266.*

**Drenched**, Is an obsolete Word, and signifies to overcome, from the German *Tringen, co-gere.*

**Drenches** or **Drenges** (*Drengi*) were *Tenentes in Capite*, says an ancient MS. *Domesday Tit. Lestresc. Roger. Pictaviens. Neuton. Hujus Manerii aliam terram 15 homines, quos Drenches vocabant, pro 15 Maneriis tenebant.* They were (says *Spelman*) *e genere vassallorum non ignobilium, cum singuli qui in Domesd. nominantur, singula possiderent Maneria.* Such as at the Coming in of the Conqueror, being put

out of their Estates, were afterward upon Complaint unto him restored thereunto; for that they being before Owners thereof, were neither in *auxilio* or *consilio* against him: Of which Number were Edwyne a Dane, Sharnburne of Norfolk, and others. Sir Edward Coke, on *Littl. fol. 5. b.* says, *Drenches* are Free-tenants of a Manor: Misprinted doubtless for *Drenches*, and not well interpreted. See *Baron. Anglia, fol. 118. a.* In Cukency manebat quidam homo, qui vocabatur Gamilbere, & fuit verus Dreynghe ante Conquestum, tenuit duas Carucatas terra de Domino Rege in Capite, pro tali servicio, de ferrando Palifridum Dom. Regis, super quatuor pedes de cluorio Dom. Regis quotiescunque ad Manerium suum de Mansfeld jacuerit, & si inclaudet Palefridum Domini Regis, dabit ei Palefridum quatuor Mercarum. Mon. Angl. 2 Tom. fol. 598. a. In Newtone T. R. E. (i. e. in the Time of King Edward) fuerunt quinque hidæ, modo sunt ibi sex Drengbs. Domesday, Tit. Derby. Gale, 773.

**Drengage**, (*Drengagium*, vel *servitium Drengarii*.) The Tenure by which the *Drenches* held their Lands, of which see *Trin. 21 Ed. 3.* Ebor. and Northumb. Rot. 191. Notandum est, eos omnes eorumve antecessores, qui e Drengorum classe erant, vel per Drengagium tenere, sua inuoluisse patrimonialia ante adventum Normannorum. Spelm.

**Dre Exchange**, (*Anno 3 Hen. 7. cap. 5. cambium sicum*) seems to be a cleanly Term, invented for the Disguising foul Usage; in which something is pretended to pass on both Sides, whereas in Truth nothing passeth but on the one Side, in which Respect it well may be called Dry. Of this *Lud. Lopez, tract. de Contract. & Negotiat. li. 2. cap. 1. Sect.* Deinde postquam, writes thus, *Cambium est reale vel sicum; Cambium reale dicitur, quod consistit in veri Cambii realium habet, & Cambium pertrans, & Cambium minus. Cambium autem sicum est Cambium non habens existentiam Cambii, sed apparentiam ad instar arboris exsiccata, quæ humore vitali jam carens, apparentiam arboris habet, non existentiam.*

**Dre Kent**, *Rent-feeck.* See *Rent*.

**Drift of the Forest**, (*Agitatio animalium in Foresta*) is an exact View or Examination what Cattle are in the Forest, that it may be known whether it be over charged or not, and whose the Beasts are; and, whether they are commonable Beasts, &c. When, how often in the Year, by whom, and in what Manner this Drift is to be made, see *Manwood, Part 2. cap. 15. and 4 Inst. fol. 309.*

**Drinklean** (*Sax. Drinc-lean*) in some Records written *Potura Drinklean*) is a Contribution of Tenants towards a Potation, or an Ale provided to entertain the Lord or his Steward; a *Scot-ale*.

**Drosennies**, — *Quod Dominus debet habere Drosennies arbores de crescentia xl. annorum & infra.* Kane. Pasch. 44 Edw. 3. *quare.* Drosennu. Druf and Drotten, among our Saxons, signified a Grove, or woody Place, where Cattle were kept; and, the Keeper of them was called *Drosinan*. Domesday.

**Droffland**, or *Dryffland*, (from the Sax. *Dryfene*, i. e. *Driven*) was anciently a Quit-rent, or yearly Payment made by some Tenants to the King or their Landlords, for driving their Cattle through the Manor to Fairs or Markets. Mr. Philips, *Mistaken Recompence*, fol. 39.

**Droit**, (*Fr. Droitt*) In Law there are six Kinds of it, viz.

1. *Fus recuperandi.*
2. *Fus intrandi.*
3. *Fus habendi.*
4. *Fus retinendi.*
5. *Fus percipiendi.*
6. *Fus possidendi.*

All these several Sorts of Rights, following the Relations of their Objects, are the Effects of the Civil Law. Vide Coke on *Littl. fol. 266. & 345. b.*

— Of meer Droit, and very Right, *Anno 27 H. 8. cap. 26.*

**Droit de Advowson.** See *Recto de Advocatione Ecclesia.*

**Droit-clofe.** See *Recto clauso.*

**Droit de Dowel.** See *Recto dotis.*

**Droit-patent.** See *Recto patens* and *Calthrop's Rep. fol. 132.*

**Droit tur disclaimer.** See *Recto sur disclaimer.*

**Drossen,**

**Dru,**

**Druft,**

**Druften,**

All, according to the Book of Domesday,

signify a Thicket of Wood in a Valley.

**Dromones**, **Dromos**, **Dromunda**, At first these Words signified high Ships, but afterwards those which we now call Men of War, and in this Sense 'tis used in *Walsingham, Anno 1292*, in *Knighton Lib. 3. cap. 14, &c.* Tres majores Naves subsequuntur; quas vulgo Dromones appellant: Galea vero leviores, & ad qualibet aptanda agiliores precedunt. *Gaufrid. Vincens. Ric. Regis Iter Hierosol. c. 60.* Quum prospere versus Achon velificaret, 8 Idus Junii, apparuit ei navis quadam permaxima, quam Dromundam appellant, missa a Saladino. *Matt. Paris. sub anno 1191.*

**Droba**, A Drove, a Drift-way, or Common Road for driving Cattle. — *Walterus Cantuar. Archiepiscopus concessit ad vitam Magistro Michaeli de Bercham pasturas de la Rede & Haute juxta Bercham, cum omnibus suis juribus & pertinentiis, drovis, vliis, semitis & fossatis. Dat. 10. Kal. Sept. 1319. Ex Registr. Ecclesie Christi Cantuar. MS.*

**Druggeria**, **Drogeria**, A Place of Drugs, a Drugster's Shop. — *Quoddam Messuagium situm in vico Northode inter tenementum quod fuit Wilhelmi de Scheftesbury Capellani & tenementum proxime Druggeriam, quod quidem tenementum, &c. Char. tular. Abbat. Glaston. MS. f. 125. a.*

**Duarium**, **Doarium**, **Dojarium**, The Dowry or Jointure of a Wife settled on her in Marriage, to be enjoyed after her Husband's Decease. The Word *Dowrie*, is by *Fr. Junius*, rightly referred to the old English, to *Dowe*, i. e. to give, as *Chaucer*, *To whom for evermore my Heart I dowe.* See *Mr. Kennet's Glossary.*

**Dubrig.** *Dover.*

**Duces tecum**, Is a Writ commanding one to appear at a Day in the Chancery, and to bring with him some Evidence, or other Thing that the Court would view. See the *New Book of Entries, verbo Duces tecum*. There is also another Kind of *Duces tecum* directed to a Sheriff, upon Return that he cannot bring his Prisoner without Danger of Death, he being adeo *Languidus*; then the Court grants a *Habeas Corpus* in the Nature of a *Duces tecum licet languidus*.

**Duel**, (*Duellum*) according to *Fleta*, *Est singularis pugna inter duos ad probandam veritatem litis, & qui vicerit, probasse intelligitur, &c.* Stat. de Finibus levatis, 27 Edw. 1. The Trial by Duel, Combat or Camp-fight, in doubtful Cases, is now disused, though

though the Law on which it was grounded be still in Force. See 3 *Part Inf.* fol. 221. and see *Combat.* Per libertatem habere Duellum, *Johannes Stanley Arm.* clamat, quod si aliquis placitaverit aliquem de libero tenemento in Curia sua de Aldford per breve Domini Comitis de recto patent. tenere & terminare predictum placitum per duellum, prout jus est per Communem legem. Plac. in Itin. apud Cestriam 14 Hen. 7.

*Stephanus de Nerbona omnibus*——— *Sciatis me dedisse Willielmo filio Radulphi de Filungele pro homagio & servitio suo, & propter Duellum quod fecit pro me, —Duas virgatas terra. —Sine Dat. MS. penes Will. Dugdale, Mil.*

**Duke, Dux,** In ancient Times among the Romans signified *Ductorem exercitus*, such as lead their Armies, who if by their Prowess they obtained any famous Victory, they were by their Soldiers saluted *Imperatores*, as *Hotoman de verb. Feudal. verb.* Dux, proveth out of *Livy, Tully,* and others: Since that they were called *Duces*, to whom the King committed the Government of any Province, *Id.* In some Nations to this Day the Sovereigns of the Country are called by this Name, as *Florence*, or the great *Duke of Tuscany, Duke of Milan.* In *England*, *Duke* is the next secular Dignity to the Prince of *Wales.* And (as *Cambden* says) Heretofore in the *Saxons* Times they were called *Dukes* without any Addition, being mere Officers and Leaders of Armies. After the Coming in of the *Conqueror*, there were none bore this Title till *Edward the Third's* Days, who made *Edward* his Son *Duke of Cornwall.* Since that there have been several made, whose Titles have descended by Inheritance to their Posterity; they were created with Solemnity per *circumferentiam gladii, cappae; & circuli aurei in Capite impositionem.* See *Cambd. Brit. pag. 166. Zazium de feudis, pag. 4. num. 7. Cassan. de consuet. Burgund. pag. 6. 10. And Ferne's Glory of Generosity, 139.* At this Day we have many of these created *Dukes* in *England*, whose Titles are very well known to every Body.

**Dumetium,** (Latin *Dumetum*) a Ground full of Bushes and Brambles. I have seen a Deed, granting (inter alia) *quoddam Dumetium in Dale.*

**Dum fuit infra ætatem,** Is a Writ which lies for him, that before he came to his full Age, made a Feoffment of his Land in Fee, or for Term of Life, or in Tail, to recover them again from him, to whom he conveyed them. *F. N. B. fol. 192.*

**Dum non fuit compos mentis,** Is a Writ that lieth against the Alience or Lessee, for him that not being of sound Memory, did alien any Lands or Tenements in Fee-simple, Fee-tail, for Term of Life, or for Years. *F. N. B. fol. 202.*

**Dun, Dune,** A Mountain or open Place: Therefore the Names of Towns which end in *Dun*, were either built on Hills, or near Hills in open Places.

**Duna,** A Bank of Earth cast up, the Side of a Ditch——— *Faciet fossatum adeo forte & bonum prout voluit, ita quod fundum a retro Dunæ utriusq; fossati sit in fundo 14 pedum.* Cartular. *Glaston. MS. f. 75.*

**Dunio.** A Sort of base Coin less than a Farthing, a Double. — *Nec denarios invenerunt præter octo Duniones qui sterlingos duos non valebant.* — *Gi-*

*rald. Cambr. apud Whartoni Angl. Sacr. P. 2. p. 595.*

**Dunjon,** A little Castle; In illa villa Rex habet Castellum quoddam, supra Castellum autem unum dungeonem. *Du Cange.*

**Dunnarium,** — *Pateat* — quod ego *Johannes de Mohun* miles dedi *Abbati & Canonicis de Nutle* pasturam in omnibus brueris seu *Dunnariis meis.* *Dat. 29 Ed. 3. Penes Decan. & Capit. Eccl. Cath. Christi Oxon.* It seems to signify a Down, a Hill, or Heathy Ground.

**Dunsetts,** Those who dwell on Hills or Mountains, from the Sax. *Dun*, a Hill, and Sax. *Data*, an Inhabitant.

**Dunstable.** See *Magioninium.*

**Dunum sinus,** The Creek at *Dunsby* near *Whitby* in *Yorkshire.*

**Dunum** } A Down, In which Termination (a  
and } little, in some, varied into *Don*)  
**Duna,** } many Names of our Towns end, as  
          } *Alshdown, Cleydon, &c. Domesd.*

**Duodena,** A Jury of twelve Men. *Robertus Tresilian Justiciarius* — apud *S. Albanum* convocari fecit duodenam quam pridie averraverat ad indictandum & prodendum Malefactores. *The Walsingham, p. 276.*

**Duodena manu.** See *Friburgh*, and *Oath.*

**Duplicat** Is used by *Crompton*, for a second Letters Patent, granted by the Lord Chancellor in a Case wherein he had formerly done the same, and was therefore thought void. *Crompt. Jurisdid. fol. 215.* Also a second Letter written and sent to the same Party and Purpose as a former, for Fear of Miscarriage of the First, or for other Reason, is called a *Duplicat.* Also any Copy or Transcript of a Writing is called a *Duplicat.* The Word is used *14 Car. 2. cap. 10.*

**Duplodes.** See *Gambeson.*

**Duplum,** A Sort of Bread so called, made for the Monks.

**Durden,** A Thicket of Wood in a Valley.

**Durels** (*Duritia*) is, where one is kept in Prison or restrained of his Liberty, contrary to the Order of Law, or threatened to be kill'd, maim'd or beaten: And if such Person so in Prison, or in Fear of such Threats, make any Specialty or Obligation by Reason of such Imprisonment or Threats, such Deed is void in Law: And in an Action brought upon such Specialty, the Party may plead, That it was made by *Durelse*; and so avoid the Action. *Broke*, in his *Abridgment* joineth *Durels* and *Manasse* together, i. e. *duritiam & minas*; Hardship and Threatnings.

**Durnovarium,** *Dorchester.*

**Durobrova,** *Rocheſter.*

**Durolenum,** *Lenham* in *Kent.*

**Durolitum,** *Oldford* upon *Lee*, in *Essex.*

**Durotriges,** *Dorsetshire.*

**Dursley,** Blows without Wounding or Blood; vulgo Dry-blows, from the Germ. *Durre*, *siccus*, and Sax. *Slege*, *ictus.*

**Dusty-foot,** or *Dusty-Fatt*, A Foreigner, Trader, Pedlar, or travelling Merchant, who has no settled Habitation. So called because their Feet in travelling are covered with Dust. *Siquis extraneus Mercator transiens per regnum, non habens terram, vel mansionem infra Vicecomitatum, sed vagans qui vocatur Pie poudreux, hoc est Anglice Dusty-foot, &c.* Hence the Court of *Piepowder* erected for Relief of such Foreigners. See *Piepowder.*

**Dutchy.**



**Dutchy-Court** Is a Court wherein all Matters appertaining to the Dutchy or County Palatine of Lancaster are decided by the Decree of the Chancellor of that Court: The Original of it was in Henry the Fourth's Days, who, obtaining the Crown by Deposing Richard the Second, and having the Dutchy of Lancaster by Descent, in Right of his Mother, was seised thereof as King, and not as Duke; So that all the Liberties, Franchises and Jurisdictions of the said Dutchy, passed from the King by his Great Seal, and not by Livery or Attornment as the Possessions of Everwick, the Earldom of March, and such others did, which had descended to the King by other Ancestors than the King's; but, at last, Henry the Fourth, by Authority of Parliament, passed a Charter, whereby the Possessions, Liberties, &c. of the said Dutchy were severed from the Crown; yet Henry the Seventh reduced it to its former Nature, as it was in Henry the Fifth's Days. *Crom. Jur. fol. 136.*

The Officers belonging to this Court, are, the Chancellor, Attorney, Receiver General, Clerk of the Court, Messenger: Besides which, there are certain Assistants, as one Attorney in the Exchequer, one Attorney of the Dutchy in Chancery, four Persons learned in the Law retained of Counsel with the King in the said Court; whereof Gavin, (in the Preface to his Readings) speaks thus; It grew out of the Grant of King Edward the Third, who gave that Dutchy to his Son John of Gaunt, and endowed it with such Royal Rights, as the County Palatine of Chester had. And forasmuch as it was afterward extinct in the Person of King Henry the Fourth, by reason of the Union of it with the Crown, the same King, (suspecting himself to be more rightfully Duke of Lancaster than King of England) determined to save his Right in the Dutchy, whatever should befall the Kingdom; and therefore he separated the Dutchy from the Crown, and settled it so in the natural Persons of himself and his Heirs, as if he had been no King or Politick Body at all; in which Condition it continued during the Reign of Henry the Fifth, and Henry the Sixth, that descended from him; but when Henry the Fourth had (by Recovery of the Crown) recontinued the Right of the House of York, he feared not to appropriate that Dutchy to the Crown again; yet so, that he suffered the Court and Officers to remain as he found them; in which Manner it came, together with the Crown, to Henry the Seventh, who, liking well of Henry the Fourth's Policy, (by whose Right also he obtained the Kingdom) made a like Separation of the Dutchy, and so left it to his Posterity, who still enjoy it.

**Dwindle**, i. e. consumed; thus we say, to dwindle.

**Dyer** Was a learned Lawyer, and Lord Chief Justice of the Common Pleas in Queen Elizabeth's Time: He writ a Book still much esteemed, called his Commentaries or Reports.

**Dyke-reeve**, An Officer that hath the Oversight of the Dykes and Drains in Deeping Fens, &c. mentioned 17 & 18 Car. 2. cap. 11.

**Dynge-thrift**, An old Play or Sport, of which it is now hard to derive the Name, or to define the Thing. There is a Letter directed to the Official of the Archdeacon of Richmond, for censuring one William Baker, Chaplain of Ripon, upon several Articles exhibited against him, of which one runs thus; — *Item fuit inventor principalis cujusdam ludi pestiferi & a jure reprobati, qui in vulgari dicitur Dynge-thrift, qui se Magistrum*

*& Abbatem illius ordinis fecerat nominari, & pro tali se gessit, & quamplurimos tam Clericos quam Laicos apud Ripon illo ludo noxio & damnofo informavit.* — Dat. 16 Kal. Nov. 1311. *Collectan. Matth. Hutton S. T. P. ex Reg. Grenesfeld Archiepif. Ebor. MS.*  
**Dyrenum**, **Ditrenum**, A Dittany, Ditty or Song. Whence *venire cum toto ac pleno dyeno*, was to sing Harvest home, *Homines de Heayngdon ad curiam Domini singulis annis inter festum S. Michaelis & S. Martini venient cum toto ac pleno dyeno sicut hactenus consueverunt.* Paroch Antiqu. p. 320.

## E.

**E** Non solum est litera sed propositio etiam & per se & in compositione significans Anglice (out) as e foro, out of Court; Ejicio, to cast out, and the like.

**Eahalug**, From the Saxon *Eale*, cervisia, and *Hus domus*, now called an Ale-House; a Word which we often find in the Laws of King Alfred.

**Eahtapn**, In the Saxon Laws of King Ethelred, cap. 6. — *Et si Eahtayn occidatur, pertineat infractio Pacis intra curiam, vel adjacencias ejus, Eahtayn persolvatur plena vera.* Mr. Somner interprets *Eahtayn* to be eight Men, or such a Number, slain; but I suppose the Word is rather meant *Heah-Tain*, a High Thane or superior Lord, the Penalty on whose Murder was augmented in Proportion to his Quality.

**Ealderman** or **Ealderman**, *Aldermanus*, Among the Saxons was as much as Earl among the Danes, *Cambd. Brit. pag. 107.* It is as much as an Elder or Statesman, called by the Romans Senator, who were rather Counsellors at large, than bestowed upon any particular Office, as *Comites* were. See *Countee*. And that Signification we retain at this Day almost in all our Cities and Boroughs, calling those Aldermen that are Associates to the Chief Officer in the Common Council of the Town. 24 H. 8. cap. 13. Or sometime the Chief Officer himself, as in *Stamford*.

**Eallehoza**, The Privilege of assising and selling Ale or Beer. As among the Liberties granted by Henry the Second, to the Abbey of Glastonbury — *habeat quoque eadem Ecclesia socam & facam, on Stronde and on Streme, on Wode and on Felde, on Gritbbriche, on Burghbrich, Hundred. Sotene, Adda and Ortelas, Ellehordas, busa, herden, &c.* Cartular, Abbat. Glaston. Ms. fol. 14.

**Earle**, Sax. *Eorle*, Lat. *Comes* and *Consul*: This was a great Title among the Saxons, and is the most ancient of any of the Peerage, there being no other Title of Honour used among the present Nobility, which was likewise in Use among the Saxons, except this Title of Earl. The Titles of Honour among the Saxons were originally three, viz. *Etheling*, *Ealderman*, and *Defen* or *Dane*; the first comes from the Word *Ethel*, which signifies Noble, and was usually applied to the first of the Royal Line; the other two Words were applied to the rest of the Nobility; only the *Thani* were afterwards distinguished into *Majores* and *Minores*; the former were equal to our Peers, and the later to our Knights: But the Title *Earl*, in Lat. *Comes*, in ancient Times was given to those who were Associates to the King in his Councils and Martial Actions: And the Manner of their Investiture into that Dignity was, *Per cincturam gladii Comitatus*; without any formal Charter of Creation. See *Dugdale's*

*Warwick-*

*Warwickshire, fol. 302.* But the Conqueror (as *Cambden* notes) gave this Dignity in Fee to his Nobles, annexing it to this or that County or Province; and allotted them for their Maintenance, a certain Proportion of Money arising from the Prince's Profits, for the Pleadings and Forfeitures of the Provinces: For Example, he brings an ancient Record in these Words; *Hemricus 2. Rex Anglia his verbis Comitum creavit; Sciat is nos fecisse Hugonem Bigot Comitem de Norf. &c. de tertio denario de Norwic. & Northfolk; sicut aliquis Comes Anglia liberius Comitatum suum tenet.* About the Reign of King *John*, and ever since, our Kings have made *Earls* by their Charter, of this or that County, Province or City; but of late, giving them no Authority over the County, nor any Part of the Profits arising by it; only some annual Fee out of the Exchequer, &c. The Manner of their Creation is by girding them with a Sword. *Cam. p. 107.* but see the Solemnity described more at large in *Stow's Annals, p. 1121.* Their Place is next to a Marquess, and before a Viscount. *Comitatus a Comite dicitur, aut vice versa.* See more on this Subject in *Spelman's Gloss. verbo Comites*; and in *Selden's Titles of Honour, fol. 676.* and see *Countee, Consul* and *Eorle*.

*Earls.* See *Arles*.

*Easement (Assamentum, from the French Aise, i. e. Commoditas)* Is a Service or Convenience which one Neighbour has of another by Charter or Prescription, without Profit; as a Way thro' his Ground, a Sink, or such like. *Kitchin, fol. 105.* which, in the Civil Law, is called *Servitus predii.*—*Præcipias R. quod iuste & sine dilatione permittat habere. H. Assamenta sua in Bosco & in pastura de villa, &c. Breve Regium vetus apud Glanvil. lib. 12. c. 14.*

*Easter.* From the Saxon *Easter*; which was a Goddess the Saxons worshipped in the Month of *April*; and so called, because she was the Goddess of the *East*.

*Eastintus, An Easterling, Sax. East-Tyne, Easterly Coast or Country.* In the Laws of King *Edward the Elder*—*Si sit Eastintus, si sit Northintus, emendet sicut scriptura pacis continet*—where I am apt to think. *Eastintus* was rather meant *Eastinus*, and *Northintus*, *Nordtinus, i. e.* whether he lived on the East Side of the River *Tine*, or on the North.

*Ebba, Ebb, or low Tide.*—*Si extra regnum in peregrinatione fuerit, Dilationem habebit 40 dierum, & duorum flodorum & unius ebbæ, quia de ultra mare, &c. Bracton. lib. 4. tract. 1. cap. 5. In quibus essoniis dabitur dilatio ad minus 40 dierum & unius flud. & unius ebbæ. Ib. lib. 5. tract. 2. cap. 2.*

*Ebdomadarius, An Officer in Cathedral Churches, appointed weekly to supervise the regular Performance of divine Service and other Duties, and to prescribe the particular Office of each Person attending in the Choir, what Part he is to bear for that Week in reading, singing, praying, &c. To which Purpose the said Ebdomary or Weeks-man, at the Beginning of his Week, drew up a Form or Bill of the respective Persons and their several allotted Duties, called Tabula, and the Persons there entered were called Intabulati.*—This appears particularly in the Statutes of the Church of *St. Paul's* digested by *Ralph Baldok*, Dean, anno 1295. MS. penes *Joh. Episc. Norwic.*

*Ebedin, A Relief.*

*Eberemurder, Sax. Ebere mord, Apertum murdrum,* was one of those Crimes which, by *Henry the First's Laws, cap. 13. emendari non possunt. Hoc ex scelerum genere fuit, nullo pretio, (etiam apud Saxones nostros,) expiabilem, cum alia licuit pecuniis commutare. Spelman. Ex his placitis quadam emendantur centum solidis, quadam vera, quadam wita, quadam non possunt emendari que sunt Husbrech, i. e. Burglary, Bernet, i. e. Setting a House on Fire, Openthest, i. e. Robbery, & Eberemurder. Leg. H. 1. cap. 12. See Aberemurder.*

*Ebozatum, York.*

*Ecclesia (Lat.)* Is most used for that Place where Almighty God is served, commonly called a Church. But *Fitzherbert* says, By this Word *Ecclesia* is meant only a Parsonage; and therefore if a Presentment be made to a Chapel, as to a Church, by the Name *Ecclesia*, this does change the Nature of it, and make it presently a Church. *Nat. Brev. 32.* When the Question was, Whether it were *Ecclesia aut Cappella pertineas ad matricem Ecclesiam?* The Issue was, whether it had *Baptisterium & Sepulturam?* For if it had the Administration of the Sacraments and Sepulture, it was in Law judged a Church. *Trin. 20 Edw. 1. in Banco, Rot. 177. 2 Inst. fol. 363.* *Ecclesia* is also sometimes taken for the Image or Sculpture of a Church, which was often cut out or cast in Plate or other Metal, and preserved as a religious Treasure or Relick. As in the Visitation of the Treasury of the Church of *St. Paul, anno 1295.*

—*Duo turribala argentea, exterius totaliter deaurata, cum opere gravato & levato, cum Ecclesiis & turribus & sexdecim campanellis argenteis appensis, & catenis albis argenteis, ponderis 11. marc. 20. den. &c. Mon. Angl. tom. 3. p. 309.*

*Ecclesiastical Persons, Are either Regular or Secular; Regular, are such as lead a Monastick Life, under certain Rules, and have vowed Obedience, perpetual Chastity, and wilful Poverty: When a Man is professed in any of the Orders of Religion, he is said to be a Man of Religion, a Regular or Religious; of this Sort are Abbots, Priors, Monks, Friars, &c. Secular, are those whose ordinary Conversation is among those of the World, and profess to take upon them the Cure of Souls, and live not under any Rule of Religious Orders: Such are Bishops, Parish-Priests, &c.*

*Eder, River. See Eluna.*

*Eder, A Hedge. Eder-breche, The Trespass of Hedge breaking. Sax. Eador-bryce, which occurs in the Laws of King Alfred, cap. 45.*

*Edesta, —Sciatis quod ego Adam de Mobaut commisi Domino Johanni de Barker pro servitio suo totam terram cum edestis, & cum omnibus pertin. suis. Ex Register. Priorat. de Wormley. Perhaps from Assamenta, Easements. Blount imagines that this Word comes from *Ædes*, and is used for Buildings.*

*Edia, —Qualiter quoque onera incumbencia Regi & Regno levius ad Ediam communitatis supportari poterunt—* *Henr. Knighton. lib. 5.* The learned *Du Fresne* interprets it *Aid, Auxilium.* But it is indeed meant of *Ease*, from the Saxon *Eath*; and in *Westmorland* they still say *Eathy* for *Easy*.

*Edzington. See Adurni Portus.*

*Edmund's Bury. See Villa Faustini.*

*Edelesares, alias Seelehart, 25 H. 3. is the Fry or Brood of Eels.*

*Effozci-*

**Efforcialiter**, i. e. with Military Force. *Tu ita Efforcialiter venis cum Equis & Armis.* Mat. Paris. Anno 1213.

**Efforciamētum**, (*Afforciamētum*) a Distress or Inquisition. *Abbas veniat per aliquem liberum hominem attornatum suum, qualem presentare voluerit ad Efforciamētum Curie tantum.* Monast. Tom. 1. p. 280. So in a Charter of E. 3. p. 832. *E tribus virgatis terra quietis de festis Curia & adventibus & Afforciamētis.*

**Effractoꝛes**, (*Lat.*) Burglars, that break open Houses to steal. *Qui furandi causa domos effringunt, vel sese carere propriunt; etiam qui scrinia expoliant.* MS.

**Effrās** Ways, Entries, Walks, or Hedges; From the Sax. *Efter*, *Post*.

**Effusio sanguinis**, The Mulf, Fine, Wite, or Penalty imposed by the old English Laws for the shedding of Blood, which the King granted to many Lords of Manors. As among the Privileges granted to the Abbey of Glasenbury. — *Abbas & Conventus habent namia vetita, butesum, levatum, & effusionem sanguinis,* — Cartular. Abbat. Glasen. MS. f. 87. a.

**Egilde**, the same with *Gildum*.

**Egyptians**, *Egyptiani*, We commonly call them *Gypsies*, and by our Statutes, and the Laws of England, they are a counterfeit Kind of Rogues, that being English or Welsh People, accompany themselves together, disguising themselves in strange Habits, blacking their Faces and Bodies, and framing to themselves an unknown Language, wander up and down, and under Pretence of telling Fortunes, curing Diseases, and such like, abuse the Ignorant common People, by stealing all that is not too hot or too heavy for their Carriage. Anno 1 & 2 Phil. & Mar. cap. 4. and 5 Eliz. cap. 20. These are like those whom the Italians call *Cingari*, spoken of by *Franciscus Leo in suo thesauro fori Ecclesiastici*, part. prim. cap. 13.

**Eia**, An Island, an Eyt, Sax. *Eage*. Hence the Names of Places which end in *Ey*, as *Ramsey*, is the Island of *Rams*; *Sheppey*, is the Island of *Sheep*. Mat. Paris. Anno 833. *Hersey*, the Island of *Harts*. Hence the French borrow their *Eau*, Water.

**Ejecta**, a Woman ravished or deflowered. *Ejectus*, a Whoremonger. *Rex fundavit dictum hospitale super decem leprosus, & dicunt quod dicti leprosi erant de Ejectibus Civitatis Lincoln.* Mon. 2 Tom. pag. 388.

**Ejectione custodiæ**, *Ejectment de gard*, Is a Writ which lieth properly against him that casteth out the Guardian from any Land during the Minority of the Heir. Reg. Orig. fol. F. N. B. 139. *Termes de la Ley*, verbo *Gard*. There be two other Writs not unlike this; the one is termed *Droit de gard*, or *Right of Ward*; the other *Ravishment de gard*, which see in their Places.

**Ejectione firmæ**, Is a Writ which lieth for the Lessee for Term of Years, that is cast out before his Term expired, either by the Lessor or a Stranger. Reg. Orig. fol. 227. F. N. B. fol. 220. See *Quare ejecit infra terminum*, and the New Book of Entries, verbo *Ejectione firmæ*.

**Ejectum**, *Ejectus Maris*. *Quod e mari ejicitur.* Jet, Jetson, Wreck. — *Et si de navi taliter periclitata aliquis homo vivus evaserit, & ad terram venerit, omnia bona & catalla in navi cum ista contenta remaneant, & sint eorum quorum prius fuerant & eis non depereant n. mine ejecti.* — Si vero infra prædictum terminum nullus venerit ad exigenda catalla sua, tuus nostra sint, & hæredum nostrorum

nomine ejedij, vel alterius qui libertatem habet ejedum habendi. Cart. Henrici Reg. Angl. Anno 1226.

**Eigne**, French, *Aisne*, *Maximus natus*, The first born, as *Bastard Eigne*, and *Mulier puisne*. Lit. sect. 399. See *Mulier*.

**Eilesbury**. See *Ailesbury*.

**Einicia** Is borrowed of the French *Aisne*, *Primogenitus*, and signifies in the Common Law *Eldership*, Stat. of Ireland. 14 H. 3. *Skene de verbor. significatione*, verbo *Eueya*, says, That in the Statute of *Marlbridge*, cap. 9. made in the Time of H. 3. It is called *Einicia pars hereditatis*: And likewise in another Place of the same King, *Fus esnicia*, that is, in proper Latin, *Fus primogenitura*. See *Einicia pars*, and *Esnecy*. *Eyniciam filiam suam maritare*, to marry his eldest Daughter.

**Eire**, alias *Eyre*, From the old French Word *Eire*, that is, *Iter*, a Journey, as a *grand Eire*, that is, *Magnis itineribus*. It signifies in *Britton*, cap. 2. the Court of Justices *Itinerant*. And Justices in *Eyre* are those only which *Bracton* in many Places calleth *Jussiciaries itinerantes*, of the *Eyre*, and *Lib. 3. tract. 2. cap. 1, 2.* saith, The *Eyre* also of the Forest is nothing but the *Justice-seat* otherwise called, which is, or should by ancient Custom be held every three Years by the Justices of the Forest, journeying up and down to that Purpose. *Crompt. Jur. fol. 156. Manwood's Forest-Laws*, cap. 24. Read also *Skene de verb. signif. verbo Iter*, whereby as by many other Places, you may see great Affinity between these two Kingdoms in the Administration of Justice and Government. See *Justice in Eyre*.

**Election**, Is, when a Man is left to his own free Will to take or do one Thing or another, which he pleases; as if *A.* covenants to pay *B.* a Pound of Pepper or Saffron before *Whitsontide*; it is at the Election of *A.* at all Times before *Whitsontide*, which of them he will pay; but if he pays it not before the said Feast, then afterwards it is at the Election of *B.* to have Action for which he pleases. *Dyer, fol. 18. pl. 104. 21 H. 7. 19. Co. lib. 5. fol. 59. and lib. 11. fo. 51.* In Case an Election be given of several Things, he who is the first Agent, and ought to do the first Act, shall have the Election. As if a Man make a Lease, rendring a Rent, or a Robe, the Lessee shall have the Election (as being the first Agent) by Payment of the one, or Delivery of the other. *Coke on Littl. pag. 144. b.*

**Election de Clerk**, *Electione Clerici*, is a Writ that lieth for the Choice of a Clerk assigned to take and make Bonds called *Statute-Merchants*, and is granted out of the Chancery, upon Suggestion made, that the Clerk formerly assigned is gone to dwell in another Place, or hath Hindrance to let him from following that Business, or hath not Land sufficient to answer his Transgression, if he should deal amiss, &c. F. N. B. fol. 164.

**Eleemosyna**, Alms. *Dare in puram & perpetual eleemosynam*, to give in pure and perpetual Alms, or in *Frank-Almoigne*, as Lands were commonly given to religious Uses, and so discharged from military Services, and other secular Burdens.

**Eleemosyna carucarum pro aratris**, i. e. *Eleemosyna aratri*, (*viz.*) a Penny which King *Æthelred* ordered to be paid for every Plough in England towards the Support of the Poor. Leg. *Æthelred*. cap. 1. *Ut detur de omni caruca denarius vel denarium valens.* So in *Leg. Canuti*, ca. 11. Sometimes 'tis called

called *Eleemosyna Regis*, because it was at first appointed by the King. Thus *Simeon Dunelm. Anno 887*, writes, (*viz.*) *Æthelwold comes Wintoniensis Eleemosynam Regis Ælfredi detulit Romam.*

*Eleemosynæ*, i. e. the Possessions belonging to Churches. *Quid est quod das quando honores Ecclesiarum, &c. quod si res Domino jure Eleemosynarum legitime consecrata sint, Ecclesiarum ejus sunt.* Du Cange. *Hanc Ecclesiam dedi Athelwoldo quiete tenere sicut decet Ecclesiasticam Eleemosynam.* Mon. 3 Tom. pag. 46.

*Eleemosynaria*, The Place in a religious House, where the common Alms were repositied, and thence by the Almoner distributed to the Poor. In old English, the *Aumerie*, *Aumbry*, *Ambry*, which in the North they now use for a Pantry or Cup-board, as the Welsh do *Almari*; yet the Word *Eleemosynaria* was sometimes taken for the Office of Almoner, to which, as to other Offices, there were peculiar Rents allotted, as—*Decima pradii molendini Eleemosynariæ Sancti Augustini solvatur.* Will. Thorne inter X. Scriptor. sub anno 1128.

*Eleemosynarius*, The Almoner, or peculiar Officer who received the *Eleemosynary* Rents and Gifts, and in due Method distributed them to pious and charitable Uses. There was such a chief Officer in all the religious Houses. The greatest of our English Bishops had their peculiar Almoners, as in the Council of Oxford, anno 1122. *Stat. cap. 2.* and *Linwood's Provincial, lib. 1. Tit. 12.* The Dignity and Duty of Lord Almoner to the Kings of England is described in *Fleta, lib. 2. cap. 23.*

*Elegit*, (So called from the Words in it *Elegit sibi liberari*) is a Writ Judicial, and lieth for him that hath recovered Debt or Damages in the King's Court, or upon Recognizance in any Court, against one not able in his Goods to satisfy, and directed to the Sheriff, commanding him that he make Delivery of half the Party's Lands or Tenements, and all his Goods, Oxen and Beasts for the Plough excepted. *Old Nat. Brev. fol. 152. Reg. Orig. 299, & 301.* And the Table of the Register Judicial, which expresseth divers Uses of this Writ: In the *New Terms of the Law* it is said, That this Writ should be sued within the Year. The Creditor shall hold the Moiety of the Land so delivered unto him, till his whole Debt and Damages are satisfied, and during that Term he is Tenant by *Elegit*. *Westm. 2. cap. 18.* See *Co. on Lit. fol. 289. b.*

*Elf-Arrows*, Flint-Stones sharpened and jagged at each Side, in Shape of *Arrow-Heads*, made and used in War by the ancient Britains, of which several have been found in England, and greater Plenty in Scotland, where they call them *Elf-Arrows*, and do imagine they dropt from the Clouds.

*Elke*, A Kind of Ewe to make Bows of. *B. 2 H. 8. cap. 9.*

*Elmsfeah*, charitable Money, or Money given in Charity.

*Eloine*, In French *Esloigner*, To remove, banish, or send away. So the Word is used *13 E. 1. cap. 15.* If such as be within Age be eloined, so that they cannot sue personally, their next Friends shall be admitted to sue for them.

*Eloiment* Is when a married Woman departs from her Husband, and dwells with an Adulterer; for which, without voluntary Reconciliation to the Husband, she shall lose her

Dower by the Statute of *Westm. 2. c. 34.* according to these old Verses.

*Sponte virum Mulier fugiens & Adultera facta, Dote sua careat, nisi sponso sponte retracta.*

A Woman thus leaving her Husband is said to elope, and her Husband in this Case shall not be compelled to allow her any Alimony. See *Alimony*. I am persuaded the Word is taken from the Sax. *Celeoran*, i. e. To depart from one Place to dwell in another, the Saxon r being easily mistaken, for a p. Or from the Belg. *Ee*, *matrimonium*, and *loopen*, *currere*.

*Emansores*, those who go out of the Monastery. *Transfuge*, & *Emansores*, a *Claustro effrantes*, *vagi* & *sarabaitæ*. *Pet. Blesensis Ep. 11. 142.*

*Emblements*, (from the Fr. *Emblavence de bled*, i. e. Corn sprung or put up above Ground) signify strictly the Profits of Land sown: But the Word is sometimes taken more largely for any Profits that arise and grow naturally from the Ground, as Grass, Fruit, Hemp, Flax, &c. If Tenant for Life sow the Land, and afterwards die, the Executor of the Tenant for Life shall have the *Emblements*, and not he in Reversion: But if Tenant for Years sow the Land, and before he hath reaped, his Term expires, there the Lessor, or he in Reversion, shall have the *Emblements*. See *Co. lib. 11. fol. 51.* And although it is commonly held, that if a Man Leases Lands at Will, and after the Lessee sows the Land, and then the Will is determined, that the Lessee shall have the *Emblements*; yet if the Lessee himself determines the Will before the Severance of the Corn, he shall not have the *Emblements*. See *Co. lib. 5. fol. 116.*

*Emblers de Gentz*, This Word occurs in *Rot. Parl. 21 E. 3. n. 62.* where divers Murders, *Emblers de Gentz*, Robberies, &c. It comes from the French *Embler*, to steal, and seems to signify stealing from or robbing the People. —

*Embraceror* or *Embrasour*, 19 H. 7. 13. Is he that when a Matter is in Trial between Party and Party, comes to the Bar with one of the Parties (having received some Reward so to do) and speaks in the Case, or privily labours the Jury, or stands there to survey or overlook them, thereby to put them in Fear and Doubt of the Matter; the Penalty whereof is 20 l. and Imprisonment at the Justices Discretion by the aforesaid Statute. But Persons learned in the Law may speak in the Case for their Clients.

*Embracery* is the Act or Offence of *Embraceors*. To instruct the Jury, or promise Reward for or before Appearance, is *Embracery*. *Noy's Rep. fol. 102.*

*Embers*, or *Embring-Days*, (from *Embers*, *Cineres*,) either because our Ancestors, when they fasted, sate in Ashes, or strewed them on their Heads. *Anno 2 & 3 Ed. 6. c. 19.* They are those the ancient Fathers called *Quatuor Tempora*, and of great Antiquity in the Church, being observed on the *Wednesday*, *Friday*, and *Saturday* next after *Quadragesima Sunday*, *Whit-sunday*, *Holy-rood-day* in *September*, and *St. Lucy's Day* in *December*. Our Saxons called this Fast *Imbren*. *Et jejunia quatuor Tempora (que Imbren vocant) & cætera omnia, prout S. Gregorius Genti imposuit Anglorum, conserventur.* *Spelm. de Concil. T. 1. f. 518.* They are mentioned by *Britton, cap. 53.* and others. *Co.* in



in his *Inst. part. 3. fol. 203.* saith, These *Embring-Days* are the Week next before *Quadragesima*; which must needs be a great Mistake in the Printer, for it is not possible that learned Man could be ignorant in any Thing so well known.

**Emendals, Emenda,** Is an old Word still used in the Accounts of the *Inner Temple*, where so much in *Emendals* at the Foot of an Account, signifies so much in Bank in the Stock of the House for the Supply of all emergent Occasions: *Spelman* says it is that, *Quod tribuitur in restaurationem damni.*

**Emendare, Emendam solvere,** To make Amends or Satisfaction for any Crime or Trespas committed. — *Domino Regi graviter emendare debent.* *Leges Ed. Confess. cap. 35.* Hence a capital Crime, not to be attoned by Fine or pecuniary Composition, was said to be *Inemendabile.* *Leges Kanuti, cap. 2.*

**Emendatio,** The Power of amending and correcting Abuses, according to stated Rules and Measures. As *Emendatio Panni*, the Power of *Alnage, Aulnage, Ulnage*, or looking to the Assise of Cloth, that it be of the just Ell or due Measure. *Emendatio panis & cervisie*, the Assising of Bread and Beer, or the Power of supervising and correcting the Weights and Measures of them; a Privilege granted by the King to Lords of Manors, which gave Occasion to the present Office of *Ale-Taster*, appointed in every Court-Leet, and sworn to look to the Assise of Bread, Ale, or Beer, within the Precincts of that Lordship.

— *Ad nos spectat emendatio panni, panis & cervisie, & quicquid Regis est excepto murdrado & latrocinio probato.* — *Paroch. Antiq. pag. 196.*

**Emissarius,** A Steed, a Stallion. *De Emissario, cui infederat, cecidit.* *Matth. West. sub anno 1014.* — *ab ipso vulneratus in brachio de suo dejectus est Emissario Ib. sub anno 1079.*

**Empanel, Impanellare vel Ponere in Assis, & Juratis,** Cometh of the French *Panne*, i. e. *Pellis*, or of *Paneau*, which denotes as much as *Pane* with us, as a *Pane* of Glas, or of a Window: In Law it significeth the Writing and Entering the Names of a Jury into a Parchment Schedule, or Roll of Paper, by the Sheriff, which he hath summoned to appear for the Performance of such publick Service as Juries are employed in. See *Panel*.

**Emparance, Licentia interloquendi,** Cometh of the French *Parler*, to talk, and in the Common Law significeth a Desire or Petition in Court, of a Day to pause what is best to do. The *Civilians* call it *Petitionem induciarum.* And *Kitch. fol. 200.* interprets it in these Words, if he *imparl*, or pray Continuance; when praying Continuance is spoken interpretative. And *fol. 201.* he mentions *Emparance general* and *Emparance special*; *Emparance general* seemeth to be that which is made only in one Word, and in general Terms. *Emparance special*, where the Party requires a Day to deliberate, adding also these Words, *Salvis omnibus advantage tam ad jurisdictionem Curia quam ad breve & narrationem.* — or such like. *Britton, cap. 53.* useth it for the Conference of a Jury upon the Cause committed to them. And an *Emparance* or Continuance is thus entred, *Et modo ad hunc diem, scilicet diem veneris, &c. ipso eodem Termine usque ad quem diem predictus A. habuit licentiam interloquendi, &c.* See *Imparance*.

**Empero,** is an ancient Title of the Kings of England. This appears by a Charter of King *Ed-*

*gar, viz. Ego Edgarus Anglorum Basileus, omniumque Regum insularum oceani quæ Britanniam circumjacent, &c. Imperator & Dominus.*

**Empressii.** See *Impressii*.

**Empyement.** See *Improvement*.

**Encenia, i. e.** the Dedication of Churches, which was always on a Sunday. *Enceniare, i. e.* To begin a Thing, or to put on a new Thing, *viz. Enceniavit in Wintonia urbe arduam turrin. Du Cange.*

**Encaustum, i. e.** Ink. *Quæ propter Encausti & chartæ vitium aboleri incipiebat.* *Fleta, lib. 2. c. 27. par. 5.*

**Enchelson** Is a French Word much used in our Law Books, as in that Statute 53 E. 3. cap. 3. and it signifies as much as the Occasion, Cause or Reason for which any Thing is done. So it is used by *Staundf. lib. 1. cap. 12.* in his Description of a *Dropland.* *Skene de verb. signif. verbo* Enchelson, says, That *Edward*, the first King of England, *Westm. 1. c. 6.* Statutes and Ordains, That no Man shall be an *Merchande*, with an reasonable *Enchelson*.

**Encroachment, or Accroachment,** Cometh from the French Word *Accrocher*, to pull or draw to, and it signifies an unlawful Gaining upon the Rights or Possessions of another: For Example, if two Mens Grounds lying together, the one presseth too far upon the other; or if a Tenant owe two Shillings Rent-Service to the Lord, and the Lord taketh three. See *Co. 9. Rep. f. 33. Bucknall's Case.* So it is said, That *Hugh Spencer* the Father, and *Hugh Spencer* the Son, *encroached* unto them the Royal Power and Authority. *Anno 1 E. 3. in procem.*

**Endowment,** see *Indowment*.

**Endowment, Dotatio,** Signifieth the giving or assuming of Dower to a Woman; for which see more in *Dower*: But it is sometimes by a Metaphor used for the Setting or Severting of a sufficient Portion for a Vicar towards his perpetual Maintenance, when the Benefice is appropriated; and so it is used in the Statutes, 15 R. 2. c. 6. and 4 H. 4. c. 12. See *Appropriation*.

**Enodement de la plus belle part,** Is where a Man dying seised of some Lands holden in Knight-Service, and other some in Socage, the Widow is sped of her Dower rather in the Socage-Lands, than those holden in Knight-Service, as being *le plus belle part*, the fairer Part, of which read *Littleton* at large, *Lib. 1. cap. 5.*

**Energumens, i. e.** Demoniacks, who despising the Catholick Doctrine, were seduced by the Illusions of the Devil. *Concil. Carthag. 4. c. 91.*

**Enfranchise** Is to make Free, to incorporate a Man into a Society or Body Politick, or to make one a free *Denizen*.

**Enfranchisement** Cometh of the French Word *Franchise, libertas*, and signifies the Incorporating of a Man into any Society, or Body Politick: For Example, He that by Charter is made *Denizen* of England, is said to be *enfranchised*; and so is he that is made a Citizen of London, or other City, or Burghs of any Town Corporate, because he is made Partaker of those Liberties that appertain to the Corporation, whereinto he is *enfranchised*: So a Villain is *enfranchised*, when he is made free by his Lord, and made capable of the Benefits belonging to Freemen. And when a Man is thus *enfranchised* into a City or Burrough, he hath a Freehold in his Freedom for his Life; wherefore, whatever shall be the Cause of his *Disfranchisement*, ought to be a Fact, and not only

an Endeavouring or Enterprising. What shall be sufficient Cause to *Disfranchise* a Freeman, and what not; see in *Co. lib. Rep. fol. 91. Bagg's Case*.

**Englecery, Englecherp, Englechire or Englesherp**, In Latin *Engleceria*, Is an old Word, signifying nothing more than to be an *Englishman*. For Example, If a Man were privily slain or murdered, he was in old Time accounted *Francigena*, which Word comprehended every Alien, until *Englecery* were proved, that is, until it was made manifest that he was an *Englishman*. *Braff. lib. 3. tract. 2. cap. 15. fol. 134.* The Original whereof was this, *Canutus* the Dane being King of England, having settled his Estate in Peace, at the Request of his Lords, discharged the Land of his Armies, upon Condition, That whoever should kill an Alien, should be liable to Justice; and if the Manslayer escaped, the Town where the Man was slain should forfeit sixty-six Marks to the King, and if the Town was not able, then the Hundred should pay: And further, that every Man murdered should be accounted *Francigena*, except *Englecery* were proved. And the Manner of proving him to be an *Englishman* was before the Coroner, by two Men or Witnesses who knew the Father, and by two Women who knew the Mother; and this was called *Engleceria*. See *Horne's Mirror of Just. lib. 1. cap. Of the Office of Coroners, and Fleta, lib. 2. cap. 30.* This *Englecery*, for the Abuses and Troubles that were afterwards perceived to grow by it, was utterly taken away by 14 E. 3. c. 4. See *Co. lib. 7. f. 16. Calvin's Case*.

**Inheritance.** See *Inheritance*.

**Entia pars.** See *Esneey*.

**Enpleet** Was anciently used for implead — May enpleet and be enpleeted in all Courts. *Mon. Angl. vol. 2. f. 412. b.*

**Enquest**, Lat. *Inquisitio*, Is the same with the French Word, and all one in Signification: Howbeit it is especially taken for an Inquisition by our Jurors, or a Jury, which is the most usual Trial of all Causes (both Civil and Criminal within this Realm; for in Causes Civil, after Proof is made on either Side, of so much as each Party thinketh good for himself; if the Doubt be in the Fact, it is referred to the Discretion of twelve indifferent Men, empanelled by the Sheriff for that Purpose, and as they bring in their Verdict, so Judgment passeth; for the Judge saith, The Jury findeth the Fact thus, and the Law is thus: For the *Enquest* in Criminal Causes, see *Fury*, and *Smith de Rep. Angl. lib. 2. cap. 19.* An *Enquest* is either *ex Officio*, of Office, or at the Mife of the Party. *Staundf. pl. cor. lib. 3. c. 12.* This Word is used in the Statutes of 25 E. 3. c. 3. 28 E. 3. 13. and almost in all Statutes that speak of Trials by Jurors.

**Enferber.** See *Inferuire*.

**Ensignè**, French, *Saignè*, Blooded, let Blood. — *Si vicarius Ensignè fuerit, duas noctes solummodo habebit quietas, communionem non omittat.* Stat. Ecclesie Litchfield. in *Mon. Angl. tom. p. 244.* The Word was likewise used substantively for Bleeding, or Blood-letting, as — *Quod solum quatuor vicarii, videlicet duo ex utraque parte chori, quolibet mense solum Ensignè recipient in festis tam trium quam novem lectionum.* — ib.

**Entail**, *Feodum talliatum*, Cometh of the French *Entail*, i. e. *incisus*, and in the Common Law is used as a Substantive abstract, signifying *Fee-tail*,

or *Fee intailed*: *Littleton* in the second Chapter of his Book draweth *Fee-tail* from the Verb *Talliare*, (an obsolete and superannuated Word, I am sure, if any,) whereas in Truth it must come from the French *Taille*, *sectura*, or *Tailler*, *scindere*; and the Reason is manifest, because *Fee-tail* in the Law is nothing but *Fee* abridged, scanted or curtailed, or limited or tied to certain Conditions. *Taille* in France is metaphorically taken for a Tribute or Subsidy. *Lupanus de Magistratibus Francorum, lib. 3. cap. Talea.* See *Fee*, see *Tail*.

**Entendment**, Cometh of the French Word *Entendement*, *intellectus*, *ingenium*. In a legal Sense it signifies as much as the true Meaning or Signification of a Word or Sentence. See for this *Kitchin, fol. 244.* When a Thing is in Doubt, then sometimes by *Entendment* it shall be made out: As if an Inquisition be found before a Coroner, that a Man was murdered at *A.* which is a Liberty, and it is not said in the Inquisition at *A.* within the Liberty of *A.* yet it shall be good by *Entendment*; for peradventure the Liberty may extend beyond the Town. *Co. lib. 5. fol. 121.*

**Enterpleder**, *Interplacitare*, Is compounded of two French Words, *Entre*, that is, *Inter*, and *Pleder*, that is *Disputare*; and signifies in the Common Law as much as *Cognitio prejudicialis* in the Civil, that is, the Discussing of a Point incidentally falling out before the principal Cause can take End: For Example, Two several Persons being found Heirs to Land, by two several Offices in one County, the King is brought in doubt to which of them, Livery ought to be made, and therefore first they must *enterplede*, that is, formally try between themselves who is the right Heir. *Staundf. Prerog. cap. 12. & 11 Bro. Tit. Enterpleder, and Co. lib. 7. fol. 45.*

**Entheca**, i. e. a Chest or Coffin. *Venerabilis Odo corpus B. Wilfridi in editorio (hoc est) in majori altari quod in orientali presbyterii parte parietis contiguum de impositis lapidibus & cemento extructum erat, digniter collocaverit.* Eadmerus de *zde sacra Cantuariensi*.

**Entierty or Jntierty**, A Kind of French Word signifying *Entireness*; it is contradistinguished in our Books from *Moiety*, and denoting the Whole.

**Entire Tenancy** Is contrary to several Tenancy, signifying a sole Possession in one Man, whereas the other signifieth joint or Common in more. See *Bro. Several Tenancy*, and the *New Book of Entries*, verbo *Entire Tenancy*.

**Entrusion**, *Intruso*, Signifieth a violent or unlawful Entrance into Lands or Tenements, being utterly void of a Possessor, by him that hath no Right, nor Spark of Right unto them. *Braff. lib. 4. cap. 2.* For Example, If a Man step into any Lands, the Owner whereof lately died, and the right Heir neither by himself, or others, as yet hath taken Possession of them: The Difference between an *Intruder* and an *Abator* is this, that an *Abator* entrench into Lands void by the Death of a Tenant in Fee; and an *Intruder* enters into Lands void by the Death of a Tenant for Life, or Years. *F. N. B. fol. 203.* and *Co. on Lit. fol. 277.* yet the *Book of Entries* expresseth Abatement by the Latin Word *Intrusionem*, fol. 63. C. which the *New Terms of Law* calls *Interpositionem* aut *introitionem* per *interpositionem*. See *Abatement*, see *Disseisin*, see *Briston*, cap. 65. *Intruso*

is used also for the Writ brought against an *Entruder*, which see in *Fitzb. Nat. Brev.* 203. and *Stat. of Marl. cap. ult.*

*Entrusion de gard* Is a Writ that lies where the Infant within Age entred into his Lands, and held his Lord out: For in this Case the Lord shall not have the Writ *de communi Custodia*, but this. *Old Nat. Brev. fo. 90.*

*Entry*, (*Fr. Entree*, i. c. *Introitus, Ingressus*.) properly signifies the Taking Possession of Lands or Tenements. See *Plowden, Assise of Fresh Force in London*, f. 93. b. It is also used for a Writ of Possession; for which see *Ingressus*: And read *West. pa. 2. Symbol. Tit. Recoveries, sect. 2, 3.* who there shews for what it lies, and for what not. Of this *Briton*, in his 114th Chapter, writes to this Effect: The Writs of *Entry* favour much of the Right of Property; As for Example: Some are to recover Customs and Services, in which are contained these two Words (*Solet & debet*.) as the Writs *Quo Jure, Rationabilibus Divisis, Rationabili Estoverio*, with such like. And in this Plea of *Entry* there are three Degrees: The first is where a Man demands Lands or Tenements of his own Seisin after the Term expired: The Second is where one demands Lands or Tenements, let by another, after the Term expired: The Third, where one demands Lands or Tenements of that Tenant who had *Entry* by one, to whom some Ancestor of the Plaintiff did let it for a Term now expired. According to which Degrees the Writs are varied. And there is yet a fourth Form, which is without Degrees, and in Case of a more remote Seisin, whereunto the other three Degrees do not extend. The Writ in the second Degree is called a Writ of *Entry In le Per*: in the third Degree a Writ of *Entry In le per & cui*; and in the fourth Form, without these Degrees, it is called a Writ of *Entry In le post*, that is, after Disseisin, which such a one made to such a one. And if any Writ of *Entry* be conceived out of the right Case, so that one Form be brought for another, it is abatable. In these four Degrees are comprehended all manner of Writs of *Entry*, which are without Certainty and Number. Thus far *Briton*, by whom you may perceive that these Words, *Solet & debet*, and these other, *In le per, In le per & cui*, and *In le post*, which we meet with many Times in Books shortly and obscurely mentioned, signify nothing but divers Forms of this Writ applied to the Case whereupon it is brought; and each Form taking its Name from the Words contained in the Writ. Of this read *Fitz. Nat. Brev. fol. 193.*

This Writ of *Entry* differs from an *Assise*, because it lies for the most Part against him who entered lawfully, but holds against Law, whereas an *Assise* lies against him that unlawfully disseised: Yet sometimes a Writ of *Entry* lies upon an *Entrusion*. *Reg. of Writs, f. 233. b.* See the *New Book of Entries, verbe Entre Brevis, fol. 254. col. 3.* There is also a Writ of *Entry* in the Nature of an *Assise*. Of this Writ in all its Degrees, see *Fleta, lib. 5. ca. 34. & seq.* There are five Things which put the Writ of *Entry* out of the Degrees, viz. *Intrusion, Succession, Disseisin upon Disseisin, Judgment and Escheat.* 1. *Intrusion* is where the Disseisor dies seised, and a Stranger abates. 2. *Succession* is when the Disseisor is a Man of Religion, and dies, or is deposed, and his Successor enters. 3. *Disseisin upon Disseisin* is when the Disseisor is disseised by another. 4. *Judgment* is when one recovers a-

gainst the Disseisor. 5. *Escheat* is when the Disseisor dies without Heir, or doth Felony, whereby he is attaint, by which the Lord enters as in his *Escheat*. In all these Cases the Disseisor or his Heir shall not have a Writ of *Entry* within the Degrees of the *Per*, but in the *Post*; because in those Cases they are not in by Descent, nor by Purchase.

*Entry ad Communem Legem*, Is a Writ; which lies where Tenant for Term of Life, Tenant for Term of another's Life, Tenant by the Curtesy, or Tenant in Dower, aliens and dies, he in the Reversion shall have this Writ against whomsoever is in.

*Entry in casu Probato*, Lies if Tenant in Dower alien in Fee, or for Term of Life, or for another's Life, living the Tenant in Dower, he in the Reversion shall have this Writ, which is provided by the Statute of *Glouc. cap. 7.*

*Entry in casu confusili*, Is a Writ that lies where Tenant for Life, or Tenant by the Curtesy aliens in Fee, he in the Reversion shall have this Writ by *Westm. 2. cap. 24.*

*Entry ad terminum qui preterijt*, Lies where a Man leases Land to another for Term of Years, and the Tenant holds over his Term; the Lessor shall have this Writ.

*Entry sine assensu Capitali*, Lies where an Abbot, Prior, or such as has Covent or Common Seal, aliens Lands or Tenements of the Right of his Church, without the Assent of the Covent or Chapter, and dies, then the Successor shall have this Writ.

*Entry causa Matrimonii prelocuti*, Lies where Lands or Tenements are given to a Man, upon Condition, that he shall take the Donor to his Wife within a certain Time, and he does not espouse her within the limited Time, or espouses another; or otherwise disables himself, that he cannot take her according to the said Condition, then the Donor and her Heirs shall have the said Writ against him, or against whoever else is in the said Land.

*Envoys*. See *Invoyce*.

*Enure*, Signifieth to take Place or Effect, to be available. As a Release shall *Enure* by way of Extinguishment. *Littleton, cap. Release.* And a Release made to a Tenant for Term of Life, shall *enure* to him in the Reversion.

*Eodordice* is a Saxon Word, from *Eodor*, a Hedge, and *Brice, Ruptura*. It signifies Hedge-breaking. 'Tis mentioned in the Laws of King *Alfred, cap. 45.*

*Eorls*; It hath been a Question whether this Word is of Saxon or Danish Original. *Wormius* tells us that the ancient Danes called their Barons by the Name of *Eorls*: But Mr. *Somner*, in *Gloss. Saxonico*, is rather of Opinion that it is derived from the Saxons. *Ethelward, lib. 4. c. 3. Consules ruunt quos illi Eorlas solent nominare, &c.*

*Epiacum*, *Papcastle* in *Cumberland*.

*Epimemia*, i. e. Expences, Tributes, or Gifts. 'Tis mentioned in *Gildas De Excidio Britannie, viz. Item queruntur non assidue sibi Epimemia contribui, &c.*

*Episcopalia*, Synods, Pentecostals, and other customary Payments from the Clergy to their Diocesan Bishop; which Dues were formerly collected by the Rural Deans, and by them transmitted to the Bishop. As in the Charter of *Walter Bishop of Coventry and Litchfield*, to the Abbey of *Derley*, ——— *Concedimus etiam ut predictus Abbas aut quisque Successorum ejus sit Decanus de omnibus Eccle-*

*Ecclesiis* ——— & *tenent Capitulum* ——— & *Episcopalia reddat, vel reddere faciat de Ecclesiis diac-natus sui.* Mon. Angl. tom. 3. f. 61. These customary Impositions were called *Onus Episcopale*, and were by special Privilege remitted to those free Chapels that were built upon the King's Demesne, and exempt from *Episcopal Jurisdiction*. See Mr. Kenne's *Glossary in Episcopale onus*.

*Episcopus puerorum*, It was a Custom formerly that some Layman about the Feast of *Epiphany* would plait his Hair, so that he might seem to have the Tonsure, and to put on the Garment of a Bishop, and in them to exercise *Episcopal Jurisdiction*, and to do several ludicrous Actions; for which Reason he was called the *Bishop of the Boys*. This Custom obtained here long after several Constitutions were made to abolish it: For in an Inventory of the Ornaments of a Church in *York*, Anno 1530. we read, *Item una parva mitra cum petris pro Episcopo puerorum*. And in another Place, *Unus annulus pro Episcopo puerorum*. Mon. 3 Tom. pag. 169.

*Eques Auratus*, Is taken to signify a Knight, and termed *Auratus*, because anciently none but Knights might beautify and gild their Armour, or other Habilliments of War. *Ferne's Glory of Generosity*, pag. 102. Yet in Law we never use *Eques Auratus*, but *Miles*, and sometimes *Chivalier*. Co. 4 Inst. fol. 5.

*Equilocus*, i. e. an Equal. 'Tis mentioned in *Simeon Dunelm.* Anno 882, viz. *Elfred Rex Saxonum, audacissimus Ducum, navali praelio suffultus, contra Paganicas naves congressus est, ex quibus ipse Equilocus duas potentes virtute naves exsuperavit, &c.*

*Equitatura*, ——— *Sciunt* ——— *quod ego Stephanus de Ebroicis dedi Ecclesia S. Leonardi de Pyonia molendinum meum de Froma* ——— & *predicti Fratres habeant Equitaturam & saccum cum blado vel farina, &c.* Reg. Priorat. de Wormley, fol. 22. a. penes Ed. Harley, Mil. Baln. And it seems to signify here, the Liberty of riding or carrying Grist and Meal from a Mill on Horseback. *Miles cum equitatura*, is taken for a Knight, with his Horse, Arms, and Furniture

*Equity*, *Equitas*, Is of two Sorts, and those of contrary Effects, for the one doth abridge, and take from the Letter of the Law, the other doth enlarge, and add thereto. The first is thus defined, *Equitas est correctio legis generatim lata, qua parte deficit.* *Equity* is the Correction of the Law generally made in that Part wherein it fails, which Correction is much used in our Law: As for Example, when an Act of Parliament is made, that whosoever doth such a Thing shall be a Felon, and suffer Death; yet if a Madman, or an Infant that hath no Discretion, do the same, they shall not be Felons, nor suffer Death for it. Breaking of Prison is Felony in the Prisoner himself, by the Statute *De Frangentibus Prisonam*; yet if the Prison be on Fire, and they within break Prison to save their Lives, this shall be excused by the Law of Reason. So to save my Life, I may kill another that assaults me. The other *Equity* is defined to be an Extension of the Words of the Law to Cases unexpressed, yet having the same Reason; so that when one Thing is enacted, all other Things are enacted that are of the like Degree: As the Statute which ordains, that in an Action of Debt against Executors, he that doth appear by Distress shall answer, doth extend by

*Equity* to Administrators; for such of them as shall appear first by Distress, shall answer by *Equity* of the said Act, *quia sunt in aquali genere.*

*Equus Coopertus*, A Horse with Saddle and Furniture on him. ——— *Inveniendū pro quolibet feodo unum equum coopertum, vel duos discoopertos* ——— Inqu. 16 Ed. 1. de Baronia de Dunham-Massey.

*Er*, The Syllable *Er*, in the Middle of a Word, is contracted from the Saxon *Wara*, which signifies *Inhabitants*. Thus *Canterbury* was anciently called *Cantwara-Burgh*, i. e. the Inhabitants of a Borough in *Kent*.

*Eremitorium*, A *Hermitage*, or desert Place, for the Retirement of *Hermits*. ——— *Eremitorium in bosco D. Ducis petiit, ubique domum hanc aliquanto tempore voluit.* Henr. Kyghton, lib. 3. *Locus Heremitorius* ——— *Radulphus Heremita locum Heremitorium de Musselwell edificavit.* — Mon. Angl. tom. 3. p. 18. a.

*Erius* alias *Eris*, Is the Flower *de Lys*, whose divers Kinds you may read in *Gerrard's Herb. lib. 1. cap. 34.* The Root of this is mentioned among Merchandise, or Drugs to be garbled. Anno 1 Jac. cap. 19.

*Ermini*, This Word is mentioned in our Historian *Randolphus de Diceto*, and others. Mr. Somner did not understand the Meaning of it; but 'tis very probable it signifies the People called *Armenians*.

*Ermine* seemeth to come of the French Word *Ermine*. It signifieth a Fur of great Price.

*Erminstreet*. See *Watling-street*.

*Ern*, The Names of Places ending in *Ern* signify a melancholly Situation: From the Saxon *Ern*, *Locus Secretus*.

*Ernes*, The loose scattered Ears of Corn that are left on the Ground after the Binding or Cocking of it. ——— *Conducto ad preparandum usque ad carectam xxix. seliones ordeī cum les Ernes viii. den.* Parochial Antiq. p. 576. From the old Teuton. *Abre*, an Ear of Corn, *Ernde*, Harvest, *Ernde*, to cut or mow Corn. Hence to *Ern*, is in some Places to glean. See Mr. Kenne's *Glossary*, in *Ernes*.

*Errant*, *Itinerant*, May be derived from the old Word *Erre*, i. *Iter*: It is attributed to Justices that go the Circuit. *Staundf. pl. cor. f. 15.* and to Bailiffs at large. See *Justices in Eyre* and *Bailiff*. See also *Eyre*.

*Erraticum*, A Waif or Stray, erring or wandering Beast. ——— *Si Erraticum quod vulgo dicitur Weredrif in curiam Sacerdotis vel Clerici qui in atrio manent, venerit, vel in eleemosynam ejusdem Ecclesie, vel in atrium Episcopi erit.* Constitut. Norman. A. D. 1080.

*Error*, Cometh of the French *Erreur*, and signifieth especially an *Error* in Pleading, or in the Process. Bro. Tit. *Error*. And thereupon the Writ which is brought for Remedy of this Oversight, is called a *Writ of Error*, in Latin *Breve de Errore corrigendo*, thus defined by Fitzb. in his *Nat. Brev. f. 20.* A Writ of *Error* is that properly which lieth to redress false Judgment given in a Court of Record, as in the *Common Bench*, *London*, or other City having Power by the King's Charter or Prescription, to hold Plea of Debt above twenty Shillings, or Trespas. See the *New Book of Entries*, verbo *Error*. This is borrowed from the French Practice, which they called *Proposition de erreur*, whereof you may read in *Gregorius de appellacione*,



*pellatione*, pag 36. In what Diversity of Cases this Writ lieth, see the Statute 27 *El. c. 9. Register Original*, in the Table, *verb. Errore corrigendo*, and *Reg. Jul. fol. 34*. There is likewise a Writ of Error, to reverse a Fine, *West. Symbol. part 2. Tit. Fines*, 151. For preventing Abatements by Writs of Error upon Judgments in the Exchequer, see 16 *Car. 2. cap. 2.* and 20 *Car. 2. cap. 4.* And for Redressing and Prevention of Error in Fines and Recoveries, see the Stat. 23 *Eliz. cap. 3.* for inrolling them.

**Errore Corrigendo.** See *Error*.

**Erimiorum**, a Meeting of the Neighbourhood, *viz.* It was customary in former Days for the Neighbours to meet and compromise Differences among them by the Award of their Fellows, *Ita ut ne damnum incurrat, &c. aliquando in divisio vel in Erimioris, suum hominem ubique manuteneat, aliquando super ipsam terram.* Leg. H. 1. cap. 57.

**Esbranchatura**, From the French *esbrancher*, to cut off the Branches or Boughs, — *Qui autem forisfecerit in foresta Regis de viridi, sive per culpaturam, sive per Esbranchaturam, sive per caditionem turbarum, sive per esoriationem moræ, sive per essartum, &c. erit in misericordia, &c.*

**Escaldare**, To scald, as *escaldare porcos*, to scald Hogs. — In the Inquisition of the Serjeancies and Knights Fees in the 12th and 13th Years of King *John*, within the Counties of *Essex* and *Hertford*, — *Rogerus de Legburn, & Robertus de Sutton de eo, tenet Bures per serjantiam escaldandi porcos Regis.* Lib. Rub. Scaccar. MS. fol. 137.

**Escambio**, Is a Licence granted to one, for the making over a Bill of Exchange to another over Sea. *Reg. Orig. fol. 194.* For by the Statute of 3 *R. 2. cap. 2.* No Merchant ought to exchange or return Money beyond Sea, without the King's Licence.

**Escapè**, *Escapium*, Cometh of the French *Eschapper*, that is, *effugere*, to fly from, and signifies in the Law, a violent or privy Evasion out of some lawful Restraint. For Example, If the Sheriff, upon a *Capias* directed to him, take one, and endeavour to carry him to the Gaol, and he in the Way, either by Violence, or by Slight break from him, this is called an *Escape*. *Staundf. pl. cor. fol. 70.* The same *Staundford* in his *Pleas of the Crown*, lib. 1. cap. 26, 27. nameth two Kinds of *Escape*, the one *Voluntary*, the other *Negligent*: *Voluntary* is, when one arresteth another for Felony, or any other Crime, and afterwards letteth him go whither he listeth. In which *Escape*, the Party that permits it, is by Law guilty of the Fault committed by him that *escapes*, be it Felony, Treason or Trespass. *Negligent Escape* is, when one is arrested, and afterwards *escapeth* against his Will that arrested him, and is not pursued by fresh Suit, and taken again before the Party pursuing hath lost the Sight of him. *Id. cap. 27.* Of the Course of Punishment by the Civil Law in this Point, read in *Practica criminali Claudii de B. attainder, reg. 143.* Read also *Crompt. Just. fol. 35, 36, 37.* and *Termes de lay Ley.* There is likewise an *Escape* of Beasts, and therefore he that by Charter is *Quietus de Escapio* in the Forest, is delivered of that Punishment which, by Order of the Forest, lieth upon those whose Beasts be found within the Land forbidden. *Crompt. Jurisd. fol. 196.* See also *Co. 3. Reports*, *Ridgeway's Case*; *Plowd. Com. Plati's Case.*

**Escapium**, What comes by Hap, Chance, or Accident. — *Ita quod nec dicti Abbas & Conventus vel eorum tenentes aliquid juris clamore possint in communia pastura seu in cursu canum suorum in isto bosio, nisi forte per escapium eveniat.* Cartular. Abbat. Glaston. MS. penes Dom. Clarges ex *Aede Christi Oxon. f. 67. b.*

**Esceppa**, A *Scepp* or Measure of Corn. — *Richardus de Revebia recepit unam bovatum in Sticesfordia per idem servitium per annum, except quod Eschepa brasii quam debet habere, erit de avena.* — Mon. Angl. tom. 1. p. 823. See *Sceppa*.

**Eschanderia**, The Chandlary, or Chandry, the Office where Candles were repositied, and delivered out for Domestick Uses. — *Willielmus de Bigod. tenet terras & villam de Bures per serjeantiam Eschanderie & valet villa centum solidos.* 11 Hen. 3. —

**Exchange** or *Erchange*, *Escambium* or *Ex-cambium*. *Hanc terram cambiavit Hugo Bricuino quod modo tenet comes Moriton & ipsum Scambium valet Dulpum.* Domestday, vide *Exchange*.

**Escheat**, (*Eschaeta*, from the Fr. *Escheoir*, i. e. *cadere*, *accidere*) signifies any Lands or other Profits, that casually fall to a Lord within his Manor, by way of Forfeiture, or by the Death of his Tenant, leaving no Heir general or special; *Magna Charta, cap. 31. Fitz. Nat. Br. fol. 143. T. Escheat* is also used sometimes for the Place or Circuit, in which the King or other Lord hath *Escheats* of his Tenants. *Bract. lib. 3. tract. 2. ca. 2. Pupilla oculi par. 2. cap. 22. Escheat* (thirdly) is used for a Writ, which lies, where the Tenant having Estate of Fee-simple in any Lands or Tenements holden of a Superior Lord, dies seized without Heir general or special. In which Case the Lord brings this Writ against him that possesseth the Lands after the Death of his Tenant, and shall thereby recover the same in lieu of his Services. *Fitz. Nat. Br. fol. 144.* In the same Sense as we say, The Fee is *Escheated*, the Feudists use *Feudum Aperitur*. See *Coke on Littl. fol. 92. b.* and the Civilians call these Forfeitures *Bona Caduca*. Sometimes the Word *Eschaeta* signifies a lawful Inheritance descending on the Heir, but then the Adjective *Recta* is usually added; as *Recta Eschaeta*, i. e. *Legitima*, or such as is cast on another by Law: Thus in *Leg. H. 1. cap. 1. Salvo sibi & heredibus suis recto caduco, sive recta Eschaeta*: *Gervas of Tilbury, Lib. 2. writes, Eschaeta cum herede, viz. cum paterfamilias, &c. de rege tenens in capite, fata debita solveret, relictis tamen liberis quorum primogenitus minor est annis, redditus quidem ejus ad fiscum redeunt, sed hujusmodi non simpliciter Eschaeta dicitur, sed Eschaeta cum herede, de ipsa hereditate per officiales Regios tam hares quam ceteri liberi necessaria percipiunt.* What we call *Escheats* are in the Kingdom of Naples called *excadentia*, or *Bona excadentia*; as, *Baro locat Excadentias eo modo quo locata fuerint ab antiquo, ita quod nulla debita servitia minuantur, & non remittit Gallinam debitam.* Jacob. de Franchiis in *præludiis ad feudorum usum*.

**Escheat of Wood**: All the Appendages of Lop and Top, &c. that belonged to a Tree fell'd or fallen down. *John de Grey Bishop of Norwich*, gave Liberty to the Monks of his Church, that in his Wood of *Thorpe*, *habebunt unam arborem cum ramis, cortice, cospellis, radice, & tota Eschaeta.* *Ex Reg. Eccl. Norwic.*

**Escheator** (*Eschaetor*) was an Officer (appointed by the Lord Treasurer) who observed the *Escheats*,  
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due to the King in the County whereof he was *Escheator*; and certified them into the *Chancery* or *Eschequer*, and found Offices after the Death of the King's Tenants, which held by Knights Service in *Capite*, or otherwise by Knights Service: he continued in his Office but one Year, nor could any be *Escheator* above once in three Years. Anno 1 H. 8. cap. 8. & 3. *ejusdem*, cap. 2. See more of this Officer and his Authority, in *Crom. Just. of Peace*. *Fitzherbert* calls him an Officer of Record, *Nat. Br. fol. 100.* because that which he certified by Virtue of his Office, had the Credit of a Record. *Officium Escheatriæ* is the *Escheatorship*. *Reg. of Writs*, f. 259. b. This Office, having its chief Dependence on the Court of Wards, is now out of Date. See 4 *Inst. f. 225.* There was also anciently an *Escheator* of the Jews. *Clauf. 4 E. 1. m. 7.*

*Escheccum*. Anno 24 Hen. 3. Inter *Abbatem S. Albani & Galfridum de Childwic & alios*, — quod habuerunt venationem illam vi aut permissione antecessorum predicti *Abbatis vel per Escheccum*. The Gloss. at the End of *Matthew Paris*, (where the Pleadings are to be seen at large, fol. 538, and 539.) interprets it *inreparationem Abbatis, venationem & interruptionem*: But *Quare*, if it may not rather signify by chance, from the Fr. *Escheoir*, to happen or fall out, and not of Right; as when S. S. starts a Hare in his own Lordship and pursues the Chace through another's, in which Case he needs no Permission, according to the Law of Huntsmen.

*Escheccum*, a Jury or Inquisition; *Si habuerint venationem illam vi aut permissione predecessorum Abbatis vel per Escheccum*. *Matt. Paris. Anno 1240.*

*Eschepta*. See *Sceppa*.

*Eschequer*, *Scaccarium*, May be derived from the French Word *Eschequier*, i. *abacus, tabula Luforia*, and signifieth the Place or Court of all Receipts belonging to the Crown. *Polyd. Virg. lib. 9. Hist. Aug. saith*, That the true Word in Latin is *Statarium*; but it may with more Probability be taken from the German Word *Schatz*, denoting as much as *Thesaurus* or *Fiscus*. *Cambden* in his *Britannia*, pag. 113. saith, That this Court or Office took the Name from *tabula ad quam assidebant*, proving it out of *Gervasius Tilburienfis*, the Cloth which covered it being party-coloured or chequered. By the *Grand Custumary*, it is brought from the Normans, cap. 56. where you may find it thus described, The *Eschequer* is called *An Assembly of High Justiciers*, to whom it appertaineth to amend that which the Bailiffs and other meaner Justiciers have evil done, and unadvisedly judged, and to do Right to all Men without delay, as from the Prince's Mouth. *Skene de verbor. signif. verb. Scaccarium*, hath out of *Paulus Æmilius* these Words, *Scaccarium dicitur quasi statarium, quod homines ibi in jure sistantur, vel quod sit stataria & pennis curia cum cetera curia essent indistincta, nec loco nec tempore stata*. Also he addeth further, that it might be called *Scaccarium a similitudine Ludi scaccorum*, from the Resemblance it has to the Game at *Chefs*; many Persons meeting and pleading their Causes there, as if they were fighting in an arrayed Battel. And *Smith* deduces it from an old Saxon Word *Scata*, signifying Treasure, whereof Account is made in the *Chequer*. This Court consisteth, as it were, of two Parts, whereof one dealeth especially in the judicial Hearing and Deciding of all Causes appertaining to the Princes Coffers, anciently called *Scaccarium computorum*,

as *Ockham* testifies in his *Lucubrations*. The other is called *The Receipt of the Exchequer*, which is properly employed in the receiving and paying Money. *Crompt. Jur. fol. 105.* says, It is a Court of Record, wherein all Causes touching the Revenues of the Crown are handled: The Officers belonging to both these, you may read in *Cambden's Brit. cap. Tribunalia Angliæ*, to whom I refer you. The King's *Exchequer* now settled at *Westminster*, was in divers Counties of *Wales*. See 27 H. 8. cap. 5. but especially 26. and 4. par. *Inst. fol. 103.*

*Eschipare*, to build or equip: *Naves bene eschipatas bonis & probis Marinellis*. *Dn Fresne.*

*Escopatio Moræ*, Paring off the Turf of sedgey or moorish Ground for burning. *Qui autem forisfecerit in foresta Regis de viridi, sive per culpaturam, sive per esbrancaturam, sive per foditionem turvarum, sive per escoriationem moræ, sive per culpationem de subnemore, &c.* *Rog. Hoveden. Annal. p. 784.*

*Escuage*, *Scutagium*, Cometh of the French *Escu, clypeus*, a Shield. In Law it signifieth a Kind of Knight's Service, called *Service of the Shield*, whereby the Tenant is bound to follow his Lord into the Scotch or Welsh Wars at his own Charge; for which see *Chivalry*. He who held a whole Knight's Fee, was bound to serve with Horse and Arms forty Days at his own Charge; and he who held Half a Knight's Fee was to serve twenty Days. But Note, that *Escuage* is either uncertain or certain: *Escuage uncertain* is properly *Escuage* and Knight's Service, being subject to Homage, Fealty, and (formerly) Ward and Marriage; and so called, because it is uncertain how often a Man shall be called to follow his Lord into those Wars, and what his Charge will be in each Journey. *Escuage certain* is, when a certain Rent is paid yearly in lieu of all Services, being no further bound than to pay his Rent, called a Knight's Fee, or the fourth Part of a Knight's Fee, according to his Land; and this loseth the Nature of Knight's Service, though it hold the Name of *Escuage*, being in Effect but *Socage*. *F. N. B. fol. 8.* But see the Stat. 12 Car. 2. cap. 24. for taking away the Court of Wards and Liveries, and turning all Tenures into Free and Common Socage. See *Littleton, lib. 2. cap. 3.* and see *Capite*.

*Escuage* also is sometimes taken for that Duty or Payment, which they who held Lands under this Tenure, were bound to make to the Lord when they neither went themselves to the Wars, nor provided one in their Place. *Monasticon, 2 Tom. p. 99. Scutagium assisum per Regnum.*

*Escuage* is sometimes called a reasonable Aid which was demanded by the Lord of his Tenants, who held Lands in Knight's Service, viz. *Concesserunt Domino Regi ad maritandam filiam suam de omnibus qui tenent de Domino Rege in Capite de singulis scutis 20 solidos solvendo*. *Matt. Paris. Anno 1242.* It was an uncertain Duty till it was known how much Money the Parliament would raise, but *Escuage certain* is called *Socage*.

*Escurare*, To scour or cleanse. — *Provisio insuper quod quoties & quando necesse erit & opportunum dicta fossata nostra mundare, purgare, vel escurare, liceat nobis & successoribus nostris totam aquam dictorum fossatorum convertere & transferre.* — *Charta Thomæ Episcopi B. W. dat. 29. Octob. 4 Ed. 4.* — *Ex Collectaneis Matth. Hutton, S. T. P. MS.*

**Eſtrea**, the Kings of Kent, so called from Oetha, surnamed Eſe, the Grandfather of King Ethelbert.

**Eſketoꝛes**, From the French *Eſcher*. — *Dicunt etiam (Furatores) quod latrones & Eſketoꝛes de terra de Morgannon intraverunt prædictam terram de Brekenhok*. — *Placit. Parl. 20 Ed. 1.* Robbers or Destroyers of other Mens Lands or Fortunes.

**Eſkenage**, The Mayor and Alderman of Calais petition the King to grant them the Assise of Wine, Ale, Beer, and Bread, within the Jurisdiction of the same Town called *la Eſkenage*. *Rot. Parl. 4 H. 4.*

**Eſkippamentum**. *Claus. 1 Ed. 1.* whereby the Sea-port Towns were to provide certain Ships — *Sumptibus propriis & duplici eſkippamento*. Sir Robert Cotton englisheth it, double Skippage, i. e. double Tackle, or Furniture, as I suppose.

**Eſkippeſon**, Shipping or Passage by Sea. *Ceſte Endenture faite parentre lui noble home Mons. Thomas Beauchamp Comte de Warwyke d'une parte & John Ruſſel Eſcuier d'autre parte, Teſmoigne, &c. Et que le dit John aura Eſkypeſoun covenable pour ſon paſſage & repaſſage outre meer, as cuſtages le dit Comte, &c. Done a Warwyke. 2 Jan. 50 Ed. 3.* And Humfrey Earl of Bucks, in a Deed, (*Dat. 13 Febr. 22. Hen. 6.*) covenants with Sir Pbil. Chitwind, his Lieutenant of the Caſtle of Calais, to give him Allowance for his Soldiers Skippeſon and Reſkippeſon, i. e. Paſſage by Ship, and Re-paſſage.

**Eſneer**, *Æſneia*, Is a Prerogative given to the eldeſt Coparcener, to chuſe firſt after the Inheritance is divided. *Fleta, lib. 5. cap. 10. ſect. in diviſionem. Salvo capitali Meſſuagio primogenito filio pro dignitate Æſneicæ ſue. Glanvil. lib. 7. c. 3. Jus Æſneicæ. jus Primogenituræ. Skene de verb. ſig. Stat. Marl. c. 9. calls it Enitia pars hereditatis. See Co. on Littl. f. 166. b.*

**Eſpealtare**, *Expeditare*, To expeditate, which in a proper old Engliſh Term was called *Lawing* of Dogs, and was done two ſeveral Ways; either, firſt, by cutting off the three fore Claws of the Right Foot: Or ſecondly, by cutting out the Ball of the Foot; that ſo by either Way the Dogs might be diſabled from hunting or running hard. This Method of preventing Miſchief from Dogs neighbouring on a Foreſt, was invented by King Henry II. or at leaſt by him firſt in-joined in the Aſſiſe of Woodſtock, Artic. 6. — *Nullus dominicos canes Abbatis & Monachorum eſpealtare cogat, verum canes hominum ſuorum intra foreſtam manentium Abbas & Monachi eſpealtari faciant.* — Cartular. Abbat Glaſton. MS. penes Magiſt. Clarges, nuper ex Æde Chriſti, f. 7. See *Expeditare*.

**Eſplees**, *Expletia*, perhaps from *Expleo*, ſeem to be the full Proſits that the Ground or Land yieldeth; as the Hay of the Meadows, the Feed of the Paſture, the Corn of the Arable; the Rents, Services, and ſuch like Iſſues. The Proſits comprised under this Word, the Romans call properly *Accessiones*; nam *acceſſiones ea generaliter omnia, quæ ex re de qua agitur orta ſunt, veluti fructus, partus & omnis cauſa rei & quæcunque ex re procedunt.* And note, That in a Writ of Right of Land, Advowſon, or ſuch like, the Demandant ought to alledge in his Count, that he or his Anceſtors took the *Eſplees* of the Thing in Demand; otherwiſe the Pleading is not good. *Termes de la Ley. Dominus Episcopus habebit omnia Expletia & proficua de Corona emergentia. Plac. Parl. 30 Ed. 1.*

Sometimes it ſignifies the Farm or Lands themſelves, viz. *Et pro eo quod prædicti homines, & eorum animalia, per terras & paſcua mea & expleta eant & redeant absque ullo ſervitio.* Du Cange.

**Eſpervariuſ** and **Eſparberiuſ**, (Fr. *Eſpervier*) A Spar-Hawk, *Char. Foreſta, cap. 14.* — *Reddit. ſolut. Willielmo Talboys Arm. ad Manerium ſuum de Kyme pro omnibus ſervitiis ſecularibus unum Eſpervarium vel 2 s. per Annum ad Feſtum Sancti Mi. h. &c. Comput. Davidis Geſſeron. Collect. Redd. de Wragby. Anno 35 Hen. 6.* — *Dicunt quod Ricardus de Herthull die quo obiit tenuit Manerium de Poley in Com. War. in Dominico ſuo ut de feodo per fidelitatem & ſervitium unius Eſpervarii vel 2 s. ad Feſtum S. Jacobi, &c. Eſc. de Anno 19 Ed. 2. num. 53.*

**Eſpicurnantia**, The Office of *Spigurnel*, or Sealer of the King's Writs. The Word *Spigurnelluſ*, which *Spelman* and *Du Freſne* recite without interpreting, ſeems detorted from the Saxon *Sharran*, to ſhut up or encloſe. *Oliver de Staundford, in 27 E. 1. held Lands in Nettleded, Com. Oxon. per ſerjeantiam eſpicurnantiæ in cancellaria Domini Regis. Paroch. Antiq. p. 292. See Mr. Kernet's Gloſſary, Ibid.*

**Eſquire**, from the Fr. *Eſcu*, which ſignifies a Shield, from the Lat. *Sutum*, from the Greek *Σcutum*, which ſignifies an Hide, of which Shields were anciently made, and afterwards covered; and here in the Time of the Saxons the Shields were covered with Leather, ſo that an *Eſquire* was originally he who attending a Knight in Time of War, did carry his Shield, whence he was called *Eſcuier* in French, and *Scutifer* or *Armiger* in Latin: Howbeit this Addition hath not of long Time had any reſpect at all to the Office or Employment of the Perſon to whom it hath been attributed, but been merely a Title of Dignity, and next in Degree below a Knight. Thoſe to whom this Title is now of right due, are, All the Younger Sons of Noblemen, and the eldeſt Sons of ſuch younger Sons; the eldeſt Sons of Knights, and their eldeſt Sons ſucceſſively: The Four *Eſquires* of the King's Body: Thoſe that ſerve the King in any *Worſhipful Calling*, (to uſe *Cambden's* Words) as the *Serjeant Chirurgeon*, *Serjeant of the Lawry*, *Maſter Cook*, &c. Such as are created *Eſquires* by the King, with a Collar of 55. of Silver, as the *Heralds* and *Serjeants at Arms*. The Chief of ſome ancient Families are likewiſe *Eſquires* by Preſcription; thoſe that bear any ſuperior Office in the Commonwealth, as *Hieſh Sheriff* of any County, who (as ſome hold) retains the Title of *Eſquire* during his Life, in reſpect of the great Truſt he has had, of the Poſſe Comitatus; he who is a *Juſtice of Peace*, has it, during the Time he is in Commiſſion, and no longer, if not otherwiſe qualified to bear it. *Barriſters at Law* in the late Acts of Parliament for Poll-Money, were ranked among *Eſquires*, and ſo many wealthy Men, (by reaſon they were commonly reputed to be ſuch) and paid accordingly. In *Walſingham's Hiſtory of Richard the Second*, we read of one *John Blake*, who is ſaid to be *Furiſ Aprenticiuſ*, and has the Addition of *Scutifer* there given him; but, whether intituled thereto by reaſon of his Profeſſion or otherwiſe, does not appear. See *Cambd. Brit. f. 111. and 2 Inſt. f. 595.*

*A Principe ſunt Armigeri vel ſcripto vel Symbolo vel munere. Scripto, cum Rex ſic quempiam conſtituerit. Symbolo, quam collum ergo al: cuius argenteo ſig-*  
Y matico

*matico* (hoc est torque ex SS. confectio) adornaverit, eumque argentatis calcaribus (ad discrimen equitum, qui aureis usi sunt) donaverit. Tales in occidentali Anglia plaga (ut aliquando didici in conventu rei antiqua studioforum) White Spurs dicti sunt. Munere, cum ad munus quempiam evocaverit, vel in Aula vel in Repub. Armigero designatum: Cujusmodi multa hodie, patribus nostris incognita. Inter Armigeros qui fiunt (non nascuntur) primarii habentur quatuor illi Armigeri ad Corpus Regis (Esquires of the Body) quos & Equitum filiis primogenitis anteposendos asserunt. Thus the Learned Spelman in whose Glossarium you may find Mention of another Species of Esquires, viz. Squier born de quater Cotes.

**O**mnibus — Walterus de Pavely miles filius quondam Reginaldi de Pavely salutem. Noveritis me obligari Rogero Marmion filio quondam Philippi Marmion omnibus diebus vite sue in una Roba cum pellura de secta Armigerorum meorum annuatim ad Festum Nativitatis Domini percipiend. sine aliqua contradictione vel retractione mei vel heredum meorum aut assignatorum. Ad quam quidem solutionem Roba predicta cum pellura annuatim ad terminum supradictum fideliter persolvendum obligo me & heredes meos, bona & catalla nostra mobilia & immobilia, ubicunque fuerint inventa in maneris meis in Hundredo de Westbury existentibus vel extra, &c. sine dat. Ex codice MS. penes Gul. Dugdale Mil.

Camden in his Brit. fol. III. having spoken of Knights, hath these Words of them, Hiis proximi fuere Armigeri, qui & Scutiferi hominesque ad arma dicti, qui vel a clypeis gentilitiis que in nobilitatis insignia gestant; vel qui principibus & majoribus illis nobilibus ab armis erant, nomen traxerunt, &c. Hotoman in the sixth Chapter of his Disputations upon the Feods saith, That those which the French call Esquires, were a military Kind of Vassals, having Jus scuti, that is, they bear a Shield, and in it the Ensigns of their Family, in Token of their Gentility or Dignity. Effartum, Erartum, Martum, Assart, or Woodland broke up or ploughed. — Placitum quoque Forestarum de Effartis, de cassione, de combustione, de venatione. — Leg. H. 1. Reg. Angl. ca. 17. See Assart.

Effendi quietum de Colonio Is a Writ that lieth for Citizens and Burgeses of any City or Town, that hath a Charter or Prescription to exempt them from Toll through the whole Realm, if it happen the same to be any where exacted of them. F. N. B. 226. Reg. Orig. fol. 258.

Effoine Essonium, Cometh of the French Essonie or Exonnie, i. causarius miles, he that hath his Presence forborn, or excused upon any just Cause, as Sicknes or other Impediment. It signifieth in the Common Law, the Allegation of an Excuse for him that is summoned, or sought for to appear, and answer to an Action real, or to perform Suit to a Court-Baron, upon just Cause of Absence: It is as much as excusatio with the Civilians. The Causes that serve to essoin any Man summoned, are divers, yet drawn chiefly to five Heads; whereof the first is, Ultra mare, whereby the Defendant shall have forty Days. The Second, De terra Sancta, where the Defendant shall have a Year and a Day, and these must be laid in the Beginning of the Plea. The Third, De malo veniendi, which is also called, The common Effoin. The Fourth is, De malo lecti. And the Fifth, De servitio Regis. For further Knowledge of these, I refer you to Glanville, in his whole first Book, and

Bracton, lib. 5. tract. 1. per totum, and Britton, ca. 122, 123, 124, 125. and Horn's Mirrour of Justices, lib. 1. cap. de Effoins, who maketh Mention of some more Effoins touching the Service of the King Celestial, and of some other Points not unworthy to be known. Of these Effoins you may read further in Fleta, lib. 6. cap. 8. & seq. And that these came to us from the Normans, is well shewed by the Grand Customary, where you may in a Manner find all said that our Lawyers have spoken of this Matter. Cap. 39, 40, 41, 42, 43, 44, 45.

Effoin de malo lecti is when the Defendant is sick in Bed,

Effoin de malo veniendi is when the Defendant is infirm in Body and not able to come.

Effoin per servitium Regis is when the Defendant is in the King's Service.

Effoin de malo villæ is when the Defendant appears in Court the first Day, but departed without Pleading, and being afterwards surpriz'd by Sicknes or any other Infirmitie, cannot attend the Court, but sends two Effoiners, who openly protest in Court that he is detained by Sicknes in such a Village that he cannot come, pro lu rari & pro perdere; and this must be admitted for full Proof, without any further Surety, for 'tis Incumbent on the Plaintiff to prove whether the Effoin is true or not.

Effoin de terra sancta Was an Expedition to the Holy Land, viz. to Jerusalem.

Effoin de ultra mare Was when the Defendant is beyond Sea.

Effoines and Proffers. Anno 32 H. 8. c. 21. See Proffer.

Effonto de malo lecti Is a Writ directed to the Sheriff, for the sending of four lawful Knights to view one that hath effoined himself de malo lecti Reg. Orig. f. 8. b.

Establishment of Dower Seemeth to be the Assurance of Dower made to the Wife by the Husband, or his Friends, before or at Marriage; and Assignment is the Setting it out by the Heir afterwards, according to the Establishment. Britton, cap. 102, & 103.

Estache, Ceste endenture tesmoigne que cum il y avoir debate entre eux du soule ou dit A. ad facit planter une Estache de pere & de merymo en Selby water, &c. Ex Regist. de Selby, fol. 51. It seems here to be used for a Bridge or Stank of Stone and Timber, from the French Estacher, to fasten. —

Estandart, or Standard, Cometh of the French Estendart, i. signum, vexillum. It signifies an Ensign in War as well with us as with them. But it is also used for the standing Measure of the King, to the Scantling whereof all the Measures in the Land, are, or ought to be framed by the Clerk of the Market, Alneger, or other Officer, according to their Functions; for it was established by the Statute of Magna Charta, Anno 9 Hen. 3. cap. 9. That there should be but one Scantling of Weights and Measures through the whole Realm, which is since confirmed by 14 E. 3. c. 12. and many other Statutes; (one especially made 17 Car. 1. c. 29. which says, from henceforth there shall be one Weight, one Measure, and one Yard, according to the Standard of the Exchequer throughout all the Realm:) It is not without great Reason called a Standard, because it standeth constant and immoveable, and hath all Measures coming rowards it for their Conformity: Even as Soldiers in the Field have their Standard or Colours, for their Direction in their



March or Skirmish to repair to. Of these *Standards* and Measures, read *Britton*, cap. 30.

*Standard of Money.* The *Standard* and *Allay* of old *Esterling*, and the old right *Standard* of *England*, are to be understood thus: A Pound-Weight Troy of Gold was divided into Twenty-four Carats, and every Carat into four Grains of Gold. And a Pound-Weight of the old *Sterling*, or right *Standard* Gold of *England* consisted of Twenty-three Carats, and three Grains and a Half of fine Gold, and half a Grain of *Allay*; which *Allay* might be Silver or Copper. Again, a Pound-Weight Troy of Silver was then (as it has been ever since) divided into twelve Ounces, every Ounce into twenty Penny Weight, and every Penny-Weight into Twenty-four Grains; and every Pound-Weight of old *Sterling*, or right *Standard* Silver of *England*, consisted then (as it does now) of eleven Ounces and two Penny Weight of fine Silver, and eighteen Penny Weight *Allay*. Vid. *Lownde's Essay upon Coins*, pag. 18. For the *Standard* of Plate and Silver Manufactures, see the Stat. 6 *Georg.* cap. 11.

*Estate* May be deduced from the French Word *Estat*, i. *Conditio*, and significeth that Title or Interest which a Man hath in Lands or Tenements; as *Estate-simple*, otherwise called *Fee-simple*; and *Estate conditional*, or upon Condition, which is as *Littleton* saith, lib. 3. cap. 5. either upon Condition in Deed, or upon Condition in Law: *Estate upon Condition in Deed* is, where a Man by Deed indenteth incoffeth another in Fee, reserving to him and to his Heirs yearly a certain Rent payable at one Feast, or at divers, upon Condition, that if the Rent be behind, &c. that it shall be lawful to the Feoffor, and to his Heirs, to enter into the Lands or Tenements, &c. *Estate upon Condition in Law*, is such as hath a Consideration in Law annexed to it, though not specified in Writing: For Example, If a Man grant to another by his Deed the Office of a Parkership for Term of his Life, this *Estate* is upon Condition in the Law, or implied by Law, viz. if the Parker shall so long well and truly keep his Park. I read also of an *Estate particular*, which is an *Estate for Life*, or for Term of Years. *Perkin's Surrenders*, 581.

*Eftacha frumenti*, An old Measure of Corn; perhaps the same with a Strike or Bushel. — *Puke Lefchurch reddit in gabulo affiso xiii. libr.* — *& quatuor summas & duo estechas frumenti*, — Cartular. Abbat. *Glaston. MS. penes Dom. Clarges.* fol. 40. b.

*Esterling.* See *Sterling*.

*Estoppel*, From the French *Estopper*, *oppilare*, *obstipare*, denotes as much as an Impediment, or Bar of an Action, growing from his own Fact that hath, or otherwise might have had his Action. For Example, a Tenant maketh a Feoffment by Collusion to one, the Lord accepteth the Services of the Feoffee; by this he debarreth himself of the Wardship of his Tenant's Heir. *E. N. B. fol. 142.* Divers other Examples might be shewed out of him, and *Broke hoc titulo.* Co. lib. 2. fol. 4. *Goddard's Case*, defineth an *Estoppel* to be a Bar or Hindrance unto one to plead the Truth, and restraineth it not to the Impediment given to a Man by his own Act only, but by another's also. Lib. 3. the Case Of *Fines*, fol. 88. There are three Kinds of *Estoppel*, viz. By Matter of Record, by Matter in Writing, and by Matter in *Pais*; of which see Co. on *Littl.* fol. 352.

*Estoverie*, *Estoverium* according to *Spelman* is derived from the Fr. *Estoffe*, i. e. *Materia*, and that from the Verb *Esseffer*, which is to supply with Necessaries; and in Law properly significeth Nourishment or Maintenance. For Example: *Bratton*, lib. 3. tract. 2. cap. 18. num. 2. useth it for that Sustenance, which a Man committed for Felony, is to have out of his Lands or Goods for himself and his Family, during his Imprisonment. And the Statute made 6 E. 1. cap. 3. useth it for an Allowance in Meat or Cloath. It is also used for certain Allowances of Wood, to be taken out of another Man's Woods. So it is used *Westm.* 2. cap. 25. Anno 13 E. 1. *West. Synb. part. 2.* Tit. *Fines*, sect. 26. saith, That the Name of *Estovers* containeth *House-bote*, *Hay-bote*, and *Plough bote*; as if he have in his Grant these general Words, *De rationabili Estoverio in bosis*, &c. he may thereby claim these three. In some Manors the Tenants have Common of *Estovers* out of the Lord's Woods, and pay a certain small annual Rent for the same. *Rationabile Estoverium*, vide *antea*, *Alimony*.

*Estangers* Are sometimes taken for those that are not Privies or Parties to the Levying a Fine, or making of a Deed. Sometimes for those that are born beyond Sea.

*Estray*, (from the old French *Estrayeur*, Lat. *Extrahura*, *Pecus quod elapsum e custodia campos pererrat ignoto Domino*) signifies any Beast not wild, found within any Lordship, and not owned by any Man; for in this Case, it being cried, according to Law, in the Market-Towns adjoining, if it be not claimed by the Owner in a Year and a Day, it is the Lord's of the Soil. See *Britton*, cap. 17. Vide etiam *Estrays in the Forest*, 27 H. 8. cap. 7. and *New Book of Entries*, verbo *Trepa's* concernant *Estray*. The ancient Law of King *Ina* was, *Diximus de ignotis pecoribus, ut nemo habeat sine testimonio Hundredi, sive hominum Decennæ*, that is, the Suiters at a Court-Lect. *Spel.*

*Estreat*, *Extratum*, Is used for the true Copy, or Duplicate, of an original Writing. For Example, Of *Amerciaments* or Penalties set down in the Rolls of a Court, to be levied by the Bailiff, or other Officer, of every Man for his Offence. See *E. N. B. f. 57, & 76.* and so also it is used, *West.* 2. c. 8.

*Clerk of the Estreats*, *Clericus extraetorum*. See in *Clerk*.

*Estreciat*, *Streightned*, blockt up. *Inquiratur de viis Domini Regis estreiciatis.* — *Plac. Coron. temp. R. 1.*

*Estregbords*, Eastern Boards, or Deal, or Fir brought from the Eastern Parts for Wainscot and other Uses. — *Et in sex Estregbords videl. Waynscots emptis apud Steresbregge 11. Sol. 11. den. Paroch. Antiq. p. 575.*

*Estrepre*, French *Estropier*, i. *Mutilare*: To make Spoil by a Tenant for Life in Lands or Woods, to the Prejudice of him in the Reversion.

*Estrepement* or *Estrepament*, *Estrepamentum*, from the French Word *Estropier*, *mutilare*: It signifies the Spoil made by Tenant for Life upon any Lands or Woods, to the Prejudice of the Reversioner, as namely in the Statute made Anno 6 E. 1. c. 13. and it may seem by the Derivation, that *Estrepement* is properly the unmeasurable Soaking or Drawing out of the Heart of the Land by plowing or sowing it continually, without manuring, or other such Usage as is requisite

requisite in good Husbandry : And yet *Estropier* signifying *mutilare*, may not improperly be applied to those that cut down Trees, or lop them, farther than the Law will bear. This signifies also a Writ, which lieth in two Manners ; the one is, when a Man having an Action depending, (as a *Formedon*, or *Dum fuit infra etatem*, or *Writ of Right*, or any other) wherein the Demandant is not to recover Damages, sueth to inhibit the Tenant for making Waste during the Suit. The other Sort is for the Demandant, that is adjudged to recover Seisin of the Land in Question, and before Execution sued by the Writ *Habere facias seisinam*, for fear of Waste to be made before he can get Possession, sueth out this Writ. See more in *F. N. B. fol. 60, 61. Reg. Orig. fol. 76. and Reg. Jud. fol. 33.* In antient Records we often find *Vassum* & *extrepamentum facere* ; and *Spelman* thinks *Estrepamentum Gravis vasti genus designare*.

*Esumare*, to excuse or effoin: *Cum dies placiti, &c. venit, non potui, &c. adire, sed misi esumatores qui me esumaverunt apud Cantuar. Du Cange.*

*Esurium. Alborough.*

*Estate probanda. See Estate probanda.*

*Ethblich. See Ewbryche.*

*Etheling* or *Atheling*, is a Saxon Word signifying *Noble*, and among the *English Saxons* was as the Title of Prince among us, or as the King's eldest Son ; such was *Edgar Atheling* the designed Successor of *Edward the Confessor*. *Cambden. Edgar Atheling, England's Darling.*

*Etocetum, The Wall in Staffordshire.*

*Evenings*, The Delivery at *Even* or *Night* of a certain Portion of *Grass* or *Corn*, or *Underwood* to a customary Tenant, who performs his wonted Service of cutting, mowing, or reaping for his Lord, and at the End of his Day's Work, receives such a Quantity of the Materials he works upon, to carry home with him, as a *Gratuity* or *Encouragement* of his bounden Service. So in the *Manor of Burcester, Com. Oxon.* — *Virgata terre integra ejusdem tenura habebit liberam ad vespas qua vocatur Evenings, tantum sicut Falcator potest per falcem levare & domum portare per ipsum* — *Paroch. Antiq. pag. 401.* — See *Mr. Kenne's Glossary*, at the End of that Work.

*Everwickshire, Yorkshire*, Heretofore so called, haply derived from the Latin *Eboracum*, from which *Eborac*, and *Everic* or *Everwick* corruptly is no strange Variation ; and the Saxon *Scyre*, which signifieth *Shire*. *Willielmus Rex Anglia Thome Archiepiscopo & Betramo de Verdon & Baronibus suis Francis & Anglis de Everwicshire, &c. Charta Will. Conq.* It is also written *Ewyrescire*, in *Rot. Magno, 30 Hen. 2.* And elsewhere *Eboracshire*.

*Eves-droppers* Are such as stand under Walls or Windows by Night or by Day, to hear News, and to carry them to others, to make Strife and Debate among Neighbours : These are evil Members in the Commonwealth, and therefore by the *Stat. West. 1. cap. 33.* are to be punished. And this Misdemeanor is presentable and punishable in the Court-Lect. *Kitchin. fol. 11.*

*Evidence, Evidentia* Signifies generally any Proof, be it Testimony of Men, Records or Writings. *Sir Thomas Smith* useth it in both Sorts, *lib. 2. cap. 17.* in these Words, *Evidence* is authentic Writings of Contracts, after the Manner of *England* ; that is to say, written, sealed and de-

livered: And *lib. 2. cap. 23.* speaking of the Prisoner that standeth at the Bar to plead for his Life, and of those that charge him with Felony, He saith thus, Then he telleth what he can say ; after him, likewise all those who are at the Prisoners Apprehensions, or who can make any Proof, which we in our Language call *Evidence*, against the Malefactor. It is called *Evidence* because it makes the Issue evident to the Jury ; for *Probationes debent esse evidentes & perspicue. Co. on Lit. fol. 283.*

*Ewagium. Charta Regis Johannis Deo & B. Johanni & hominibus de Beverlaco, quod sint quieti de Theolorio, Scutagio, Passagio, Pesagio, Lastagio, Stallagio & de Wrec & de Logan, de Ewagio & de Lene, &c. Hill. 14 H. 3.* In *Thesauro Reg. Scacc. Ebor. Rot. 15.* *Ewagium* is the same with *Aquagium*, from the Fr. *Eau, aqua*, and signifies a Toll paid for the Passage of Water.

*Ewbryce, Adultery*, from the Saxon *Ewe, conjugium*, and *bryce, fractio*. The Word occurs in the Laws of King *Edmund, Sect. 4.* tho' in the Edition of *Brompton*, it is falsely wrote *Ewice*. From this Saxon *Ewe, Marriage*, we derive our present *English Words to woo, a Wooer.*

*Ewe* is a German Word, but it was used by the *English Saxons*, and signifies a Law ; 'tis mentioned in *Leg. W. 1. c. 12. De malefactoribus qui vitam periculum secundum Euya Saxonum incurere debent.*

*Exaction* Is a Wrong done by an Officer, or one pretending to have Authority, in taking a Reward or Fee for that which the Law allows not. The Difference between *Exaction* and *Extortion* is this, *Extortion* is, where an Officer extorts more than his due. *Exaction* is, where he wrests a Fee or Reward, where none is due. See *Extortion.*

*Exatores Regis, The King's Exactors*, sometimes taken for the Sheriff. And in this Sense the *Black-Book* in the Exchequer, *Part. 1. cap. ult. Tabulas, quibus Vicecomes censum Regium colligit Rotulum Exactorum vocat* ; but generally *Quicunque publicas pecunias, tributa, vestigalia & res fisco debitas exigit, proprie nominatur Exactor Regis.*

*Examiners in Chancery, Examinatores*, Are two Officers that examine upon Oath, Witnesses produced on either side, upon such Interrogatories as the Parties to any Suit do exhibit, to that Purpose ; and sometimes the Parties themselves are by particular Order examined also by them. Heretofore there was such an *Examiner* in the *Star-Chamber*, but the Court being abolished, the Office and Officer is extinct.

*Exannual Roll*, In the old Way of delivering the Sheriffs Accounts, the *firma mortua vel obsoleta, i. e. illeivable Fines* and desperate Debts, were transcribed into a Roll called the *Exannual Roll*, which was to be yearly read to the Sheriff upon his Account, to see what might be gotten. Read *Hale of Sheriffs Accounts, p. 67.*

*Excambiator* Was anciently used for an Exchanger of Land, [such I suppose as we now call *Brokers*, that deal upon the Exchange between Merchants]. In *libro chartarum Priorat. Leominst. de anno 2 Ed. 2.* it is said, *Ita quod unusquisque eorum qui damna sustinuit aliquo casu contingente, quod Excambiator refundat damna, &c.*

*Exception, Exceptio*, Is a Stop or Stay to an Action, being used in the Civil and Common Law both alike, and in both divided into *dilatory* and

and *peremptory*: Of these see *Bracton*, lib. 5. *tract.* 5. *per totum*, and *Britton*, cap. 91, 92.

*Exceller*. See *Iſca*.

*Exchange*, *Exambium vel Cambium*, Hath a peculiar Signification in our Common Law, and is used for that Compensation which the Warrantor must make to the Warrantee. Value for Value, if the Land warranted be recovered from the Warrantee. *Bract. lib. 2. cap. 16. & lib. 1. cap. 19.* It signifieth also generally as much as *Permutatio* with the *Civilians*, as the King's *Exchange*. 1 *H. 6. cap. 1, & 4.* and 9 *E. 3. Stat. 2. cap. 7.* which is nothing else but the Place appointed by the King for the *Exchange* of Bullion, Gold, Silver, or Plate, &c. with the King's Coin. These Places have been divers heretofore, as appeareth by the said Statutes: But now there is only one, *viz.* The Tower of London conjoined with the Mint, which in Time past might not be, as appeareth by 1 *H. 6. cap. 4.*

*Exchangeors* Are those that use to return Money beyond Sea, by Bills of *Exchange*, which by the Stat. 5 *R. 2.* ought not to be done without the King's Licence. See *Eſcambio*.

*Exchequer*. See *Eſchequer*.

*Excheater*. See *Eſcheator*.

*Excise* Is a Charge or Imposition laid upon Beer, Ale, Cyder, and other Liquors, within the Kingdom of *England*, *Wales*, and *Berwick*, by Act of Parliament made 12 *Car. 2. cap. 13.* during the King's Life, and according to the Rates in the said Act mentioned. See 13 *Car. 2. cap. 13.* and 17 *Car. 2. cap. 4.*

*Exclusa*, A Sluce for Water dam'd or pent up. — *Et ripam Saverne in Foresta sua ad tenendam Exclusam piscaria vel molendini de Ettona.* — *Cart. Hen. 1. in Mon. Angl. tom. 1.*

*Exclusagium* is of the same Import, as — *Dedi in puram Eleemosynam — exclusagium & flagnum de piscaria & molendino de Wederballa.* — *Mon. Anglican. tom. 1. pag. 398.* And nearer to our present English, *Slusagium* — *ex dono Richardi Filii Luca slusagium unum super terram suam ad molendinam Monachorum fulkericum,* ib. p. 868.

*Exclusagium* was a Payment due to the Lord for the Benefit of having a Sluce. *Et duo molendina in eodem manerio cum aquis Exclusagiis, &c. Mon. 1 Tom, 398. 587.*

*Excommunication*, 23 *Hen. 8. cap. 3.* Is in Law French, the same with *Excommunication* in English.

*Excommunication*, *Excommunicatio*, Is thus defined by *Panormitan*, *Excommunicatio est nihil aliud quam censura a canone vel iudice Ecclesiastico prolata & inflitta, privans legitima communione Sacramentorum & quandoque boninum.* And it is divided in *Maiores* & *Minores*; *Minor est, per quam quis a Sacramentorum participatione conscientia vel sententia ar etur: Major est qua non solum a Sacramentorum, verum etiam fidelium communione excludit, & ab omni actu legitimo separat & dividit.* *Venatorius de senten. excom.* The Form of an *Excommunication* was of old thus, *Auctoritate Dei Patris Omnipotentis, & Filii & Spiritus Sancti & Beate Dei Genetricis Mariæ, omniumque Sanctorum Excommunicamus, Anathematizamus & a limitibus Sanctæ Mariæ Ecclesiæ sequestramus illos Malefactores N. confertaneos quoque & participes, & nisi resipuerint & ad satisfactionem venerint, sic extinguatur lucerna eorum ante viventem in secula seculorum. Fiat, Fiat, Fiat, Amen.* *Ex emendat. Legum Will. Conquestoris in*

lib. vocat. *Textus. Rossensis.* By the Ecclesiastical Laws an *excommunicated* Person was not to be buried, but the Body was usually flung into a Pit, or covered with an Heap of Stones which was called *Imblacare corpus.* *Hoveden, pag. 796, 773, 801, 810.* *Ordericus Vitalis, lib. 13. p. 908.* And it was a common Opinion, That though the Body was exposed to the Weather, yet it never perished, but remained whole, as a terrible Example to all Posterity. *Mat. Paris. p. 464.*

*Excommunicato capiendo* Is a Writ directed to the Sheriff for the Apprehension of him who standeth obstinately *excommunicated* forty Days; for such a one not seeking Absolution, hath, or may have his Contempt certified into the Chancery, whence issueth this Writ, for the laying of him up without Bail or Mainprize, until he conform himself. *F. N. B. f. 62. 5 El. c. 23. Reg. Orig. f. 65, 67, 70.*

*Excommunicato deliberando* Is a Writ to the Under-Sheriff, for the Delivery of an *excommunicate* Person out of Prison, upon Certificate of the Ordinary of his Conformity to the Jurisdiction Ecclesiastical. *F. N. B. fol. 63. and Reg. Orig. fol. 65, & 67.*

*Excommunicato recipiendo* Is a Writ whereby Persons *excommunicate*, being for their Obstinacy committed to Prison, and unlawfully delivered thence, before they have given Caution to obey the Authority of the Church, are commanded to be sought for, and laid up again. *Reg. Orig. f. 67.*

*Executio*, *Executio*, In the Common Law signifies the last Performance of an Act, as of a Fine or a Judgment. And the Execution of a Fine, is the obtaining Possession actually of the Things contained in the same by Virtue thereof, which is either by Entry into the Lands, or by Writ; whereof see at large *West. part. 2. Symbol. Tit. Fines, sect. 136, 137, 138.* Executing of Judgments and Statutes, and such like, see *F. N. B. in indice 2. verbo Execution.* *Ca.* in his 6 *Rep. Blomfield's Case, f. 87.* maketh two Sorts of Executions, one final, another with a *quousque* tending to an End: An Execution final is that which maketh Money of the Defendant's Goods, or extendeth his Lands, and delivereth them to the Plaintiff: for this the Party accepteth in Satisfaction, and this is the End of the Suit, and all that the King's Writ commandeth to be done. The other Sort with a *Quousque* is tending to an End, and not final; as in the Case of a *Capias ad satisfaciendum*, &c. This is not final, but the Body of the Party is to be taken, to the Intent and Purpose to satisfy the Demandant, and his Imprisonment is not absolute, but until the Defendant do satisfy. *Idem ibid.*

*Executione facienda* is a Writ commanding Execution of a Judgment; the divers Uses whereof see in the Table of the Register Judicial.

*Executione facienda in Writbernium* is a Writ that lies for taking his Cattel, who formerly had conveyed out of the County the Cattel of another: So that the Bailiff, having Authority from the Sheriff to replevy the Cattel so conveyed away, could not execute his Charge. *Reg. of Writs, f. 82. b.*

*Executor*, *Executor*, is he that is appointed by any Man in his last Will and Testament, to have the Disposing of all his Substance, according to the Contents of the said Will. This Executor is either particular or universal; Particular,



*lar*, as if this or that Thing only be committed to his Charge: *Univerſal*, if all. And this is in the Place of him whom the *Civilians* call *Heredem designatum*, or *Teſtamentarium*; and the Law accounteth him one Perſon with the Party whoſe *Executor* he is, as having all the Advantage of *Action* againſt Men that he had, ſo likewiſe being ſubjeſt to every Man's *Action* as himſelf was. This *Executor* had his Beginning in the Civil Law, by the Conſtitutions of the Emperors, who firſt permitted thoſe that thought good by their Wills to beſtow any Thing upon godly and charitable Uſes, to appoint whom they pleaſe to ſee the ſame performed: And if they appointed none, then they ordained, That the Biſhop of the Place ſhould have Authority of courſe to eſſect it. *Lib. 28. cap. de Epiſcopis & Clericis*. And hence probably grew the Uſe of *Univerſal Executors*, and alſo brought the Adminiſtration of their Goods, that die inteſtate, unto the Biſhop.

*Executoꝝ de ſon toꝝ*, Or *Executor* of his own wrong, Is he that takes upon him the Office of an *Executor* by Intruſion, not being ſo conſtituted by the Teſtator; nor for want thereof, appointed by the Ordinary to adminiſter: How far he ſhall be liable to Creditors. See 43 *El. ca. 8. Dyer*, 166. and *vide etiam libellum vocat. The Duty of Executors*, cap. 14.

*Exemplificatione* Is a Writ granted for the *Exemplification* of an Original. See *Reg. Orig. fol. 290*.

*Exemplification of Letters Patent*, *An. 13 El. cap. 6*. Is a Copy or Duplicate of *Letters Patent* made from the Inrolment thereof, and ſealed with the Great Seal of England; which *Exemplifications* are as eſſectual to be ſhewed or pleaded, as the Originals themſelves. *Nota*, nothing but Matter of Record ought to be *exemplified*. 3 *Inſt. fol. 173*. See *Co. 5. Rep. Page's Caſe*.

*Exemplum*, and *Exemplata terra*, the ſame with *Aſſart*, and *Lands aſſarted*.

*Exemption* Is a Privilege to be free from Service or Appearance; and therefore a Baron and Baroneſs, *dignitatis cauſa*, are *exempted* to be ſworn upon any Enqueſt. *Co. lib. 6. fol. 53*. Alſo Knights, Clerks, and Women are *exempted* to appear at the Sheriff's Turn, by the Statute of *Marl. cap. 10*. And a Man may be *exempted* from being put upon Enqueſts and Juries by the King's Letters Patent, as the College of *Physicians*, *London*, were by Letters Patent of *H. 8. Co. lib. 8. fol. 108*.

*Ereñium*, a Reward or Gift, or any Payment in the Name of a Gift. *Brañon*, lib. 5. trañ. 5. c. 4. *Fleta*, lib. 2. c. 71.

*Exercitiale* Was anciently uſed for a *Heriot*, *Exercitiale Vironis ſive Baronis Regis, qui erit proximus ei, quatuor equi*. *LL. Edw. Conf. 1*. — This demonſtrates the Derivation of *Heriot* or *Heregate* from *Here*, *Exercitus*, becauſe the old feudal *Heriot* was paid only in Arms or Military Accoutrements.

*Effredare*. To break the Peace, to commit open Violence: From the Saxon *Frede*, *Frith*, Peace. *Frithian*, to proteñ. — *Si quis proſiliat, & domum exfrediet, nec tamen aliquem percutiat, dimidio forisfacto culpa conſiſtat* — *Leges H. 1. cap. 31*.

*Er gravi Querela* Is a Writ that lieth for him to whom any Lands or Tenements in Fee within a City, Town, or Borough, being deviſable, are deviſed by Will, and the Heir of the

Deviſor entreth into them, and detaineth them from him. *Reg. Orig. fol. 244. Old Nat. Brev. fol. 17*. See *F. N. B. fol. 198*.

*Erhenium*, *Exennium*, A Gift, a Preſent, a Token, more properly a New-Year's Gift. — *In expenſis Domini Regis & exhennii, eidem factis apud Earendon centum fol. ſex denar. in expenſis Domine Regine ibidem pernoctantis & exhennii, eidem factis lxxv. Sol.* — *Ex Compoto domus de Earendon. MS. penes W. Kennet. fol. 31*.

*Exhibit*, *Exhibitum*, When a Deed, Acquittance, or other Writing is in a Chancery Suit exhibited to be proved by Witneſſes, and the Examiner writes on the Back that it was ſhewed to ſuch a one at the Time of his Examination; this is there called an *Exhibit*. The Word is mention. 14 *Car. 2. cap. 14*.

*Exhibitio*, An Allowance for Meat and Drink, ſuch as the religious Appropriators made to the poor depending Vicar. So in all Churches appropriated to the Abbey of *Oſeney*. — *Vicarius habebit ſufficientem exhibitionem, ſicut Canonici quoad viſtuala in menſa Canonicoꝝ, ubi Canonici moram faciunt.* — *Paroch. Antiq. pa. 304*. The Benefactions ſettled for maintaining of Scholars in the University, not depending on the Foundation, are now called *Exhibitions*.

*Exigendary* of the Common Bench, *Exigendarius de Banco Communi*, Is otherwiſe called *Exigenter*, 10 *H. 6. c. 4*. and is an Officer belonging to that Court, for which ſee *Exigenter*.

*Exigent*, *Exigenda*, Is a Writ that lieth where the Defendant in an *Action* perſonal cannot be found, nor any Thing within that County, where-by he may be attached or diſtrained; and is directed to the Sheriff, to proclaim and call him five County-Days one after another, charging him to appear under the Pain of Outlawry. *Termes de la Ley*. This Writ lieth alſo in an *Indiñment* of Felony, where the Party indiñed cannot be found. *Smith de Rep. Ang. lib. 2. c. 19*. It ſeemeth to be called an *Exigent*, becauſe it exañeth the Party, that is, required his Appearance, to anſwer the Law: for if he come not at the laſt Day's Proclamation, he is ſaid to be *Quinques exañtus*, and then is outlawed. *Crom. Jurisd. fol. 188*. And this *Manwood* alſo ſetteth down for the Law of the *Foreſt*, c. 18. See the *New Book of Entries*, verbo *Exigent*.

*Exigenter*, *Exigendarius*, 18 *H. 6. cap. 9*. Is an Officer of the Court of *Common Pleas*, of whom there be four in Number: They make all *Exigents* and Proclamations in all *Actions*, where Proceſs of Outlawry doth lie, and Writs of *Superſedeas*, as well as the *Protonotaries*, upon ſuch *Exigents* as were made in their Offices. But the making Writs of *Superſedeas* is ſince taken from them by an Officer in the ſame Court, erected by King *James* by Letters Patent, towards the later End of his Reign.

*Exilium*, Wañte, Deſtruñion, as in the Statute of *Marlebridge* under *Hen. III. c. 25*. — *Firmarii tempore firmarum ſuarum vañtum, venditionem vel exilium non facient de domibus, boñcis, vel hominibus* — where *exilium* relating to *Hominibus*, ſeems to be the Injury done to an Eſtate in reſpeñ of the Tenants, by altering their Tenure or Condition, by eñecting, advancing, remitting, &c. And this indeed is the Senſe that *Fleta* does expreſſy determine. *Vañtum & Deſtruñtio ſere aequipollent, & convertibiliter ſe habent in domibus, boñcis & Gardinis, ſed exilium dici poterit, cum ſervi manumittuntur & a tenementis ſuis injurioſe ejiciuntur*. *Fleta*, lib. 1. c. 11.

*Exitus*,



**Erutus, Issue, Child or Children.**— *qui genuit Robertum de Alfreton Baronem*— *qui per Agnetem uxorem ejus habuit exitum Thomam Filium & Haredem.*— Mon. Angl. Tom. 2. p. 607. The Word is frequent in our old Law Writings, and in some Epitaphs, as on a Ground-stone in the Chancel of the Parish-Church of *Amerfsden*, in the County of *Oxford*.— *Sepultus est hic Johannes Denton, filius primogenitus Johannis Denton & Magdalene uxoris ejus, nuptus Theodoretæ Blondell uni filiarum Johannis Blondell, & moriebatur sine exitu e corpore ejus exente in vita predicti Johannis septimo die Septemb. 1566.*

**Erutus, Issues, the Rents or Profits of Lands or Tenements:** *Et sciat vicecomes quod redditus, blada in grangia, & omnia mobilia præter equitaturam, indumenta, & utensilia domorum continentur sub nomine exituum.*— Stat. 11. Westm. cap. 43.

**Erlegalitas, (Calumniari de Exlegalitate)** is he who is prosecuted as an Outlaw. 'Tis mentioned in *Leg. Edw. Confess. cap. 38.*

**Ex mero motu** Are Words formally used in any Charter of the Prince, whereby he signifieth, that he doth that which is contained in the Charter of his own Will and Motion, without Petition or Suggestion made by any other; and the Effect of these Words are to bar all Exceptions that might be taken unto the Instrument, wherein they be contained, by alledging, that the Prince in passing that Charter was abused by any false Suggestion. *Kitchin, fol. 152. Co. lib. 1. fol. 45.*

**Ex Officio, By Virtue of a Branch of the Stat. 1 Eliz. cap. 1.** the Queen by her Letters Patent might authorise any Person or Persons, &c. to administer an Oath *Ex Officio*, so called, because the Ecclesiastical Judge did it *ex Officio suo*, whereby the supposed Delinquent was compelled to confess, accuse, or purge himself of any criminal Matter, and thereby be made liable to Censure or Punishment, &c. The Branch of which Statute relating to the said Oath is repealed, 17 Car. 1. cap. 11.

**Exoneratione sectæ** Is a Writ that lay for the King's Ward, to be disburthened of all Suit, &c. to the County, Hundred, Leer, or Court-Baron, during the Time of his Wardship. *F. N. B. fol. 158.*

**Exosatus ager, A Field without Stones.**

**Expalmare, To strike with the Palm of the Hand.** *Vide eum in horto ligatum, in atrio pontificis Expalmatum, i. e. Buffeted, Petr. Blesensis, Sermon. 18 de Christo.*

**Ex Parte, (Lat.) Partly, or of one Part.** In the Court of Chancery it hath this Signification: A Joint-Commission is that wherein both Plaintiff and Defendant join. A Commission *Ex parte* is that which is taken out and executed by one Party only.

**Ex parte talis** Is a Writ that lieth for a Bailiff, or Receiver, that having Auditors assigned to hear his Account, cannot obtain of them reasonable Allowance, but is cast into Prison by them. *F. N. B. fol. 129.* The Manner in this Case is to take this Writ out of the Chancery, directed to the Sheriff, to take the four Mainperners, to bring his Body before the Barons of the Exchequer at a Day certain, and to warn the Lord, to appear at the same Time. *Terms de la Ley, verb. Account.*

**Expectant** Is used in the Common Law with this Word *Fee*, and thus it is opposite to *Fee-simple*. For Example, Lands are given to a Man and his Wife in *Frank-marriage*, to *Have and*

*to Hold* to them and their Heirs. In this Case, they have *Fee-simple*: But if it be given to them, and the Heirs of their Body, &c. they have *Tail and Fee expectant*. *Kitchin, fol. 153. Matthæus de afflictis* useth the Adjective *Expectativa* substantively in the same Signification, *Descis. 292. num. 2. pag. 412.*

**Expedimentum, Bag and Baggage.** *Dixit se non habere literas præ manibus, quia miserat eas cum Expedimento ad Wintoniam.*

**Exproitate, (Expeditare vel Expealtare,)** in the Forest-Laws, signifies to cut out the Ball of Dogs Forefeet, for the Preservation of the King's Game. Every one that keeps any great Dog, not *expeditated*, forfeits three Shillings and four Pence to the King. The Ball of the Foot of Mastiffs is not to be cut off, but the three Claws of the Forefoot to the Skin. 4 Part. Inst. fol. 308.

— *Nullus Dominus canes Abbatis & Monachorum expealtari cogat.* Charta. Hen. 3. Abbati de Rading, — *Et sint quieti de Espeditamentis canum.* Ex Magno Rot. Pipæ, de Anno 9 Ed. 2.

I do not find this relates to Mastiffs only, but to every Man's Dog who lived near the Forest, and to the Dogs of the Foresters themselves. And this *Expeditation* was to be done once in every three Years. *Du Fresne.*

**Exproitate Arbores, Trees rooted up, or cut down to the Roots.**— *Inquiratur de querubus & aliis arboribus expeditatis in foresta— vel si aliquo ingenio alio dictas quercus cadere fecerint.*— Fleta, lib. 2. cap. 41. Sect. 31.

**Expenditor, Anno 37 H. 8. cap. 11.** Seems to signify those that pay, disburse, or expend the Tax in the Statute mentioned, by Anno 7 Jac. cap. 2. *Paymasters.*— The Steward or sworn Officer who supervises the Repair of the Banks and Watercourses in *Romney Marsh*, is now called the *Expenditor*.

**Expensis militum levandis** Is a Writ directed to the Sheriff for levying the Allowance for Knights of the Parliament. *Reg. Orig. fol. 191.*

**Expensis militum non levandis ab hominibus de Dominico, nec a Statibus,** Is a Writ to prohibit the Sheriff from levying any Allowance for the Knights of the Shire, upon those that hold in ancient Demesne, &c. *Reg. Orig. fol. 261.*

**Esplees, see Esplees.** Some are of Opinion, that because *Esplees* are the full Profits of the Land, therefore the Word must be derived from the Lat. *Expleo*: But rather *Ex placito*, viz. from the Agreement made with the Lord to pay him so much *ex proventibus terre*. For *Expletum* signifies those Lands or Farms, the Profits whereof are taken by the Lord.

**Explitis, Explitia, Espleta, The Rents or mean Profits of an Estate in Custody or Trust.**

— *Capiendo inde Explitia ad valentiam quinque solidorum & amplius.*— Paroch. Antiq. p. 414. See *Esplees*.

**Explosator, A Scout, In memoriam Henrici Croft equitis aurati, Exploratoris in Hibernia Generalis, qui obiit anno 1609.** where *Explorator Generalis* signifies *Scout-Master-General*. Sometimes also it is used for a Huntsman, as *Idem Abbas habens exploratores suos (his Huntsmen) ponere fecit retia, &c.* In Itin. P. kerring, 8 Ed. 3. Rot. 4.

**Extales, The Entrails. Mures qui Extales corrodunt.** Petrus Blesensis, Epist. 100.

**Extend, Extendere,** In a legal Sense denotes to value the Lands or Tenements of one bound by Statute,

Statute, &c. that hath forfeited his Bond, to such an indifferent Rate, as by the yearly Rent the Creditor in Time be paid his Debt. The Course and Circumstances hereof, see in *F. N. B. fol. 131. Brief de execution sur Statute-Merchant.*

**Extendi facias** Is a Writ ordinarily called a *Writ of Extent*, whereby the Value of Land, &c. is commanded to be made and levied in divers Cases, which see in the Table of the *Register Original.*

**Extent, Extenta,** Hath two Significations, sometimes signifying a Writ or Commission to the Sheriff, for the Valuing of Lands or Tenements. *Reg. Judic. in Tabula.* Sometimes the Act of the Sheriff, or other Commissioner of this Writ. *Bro. Tit. Extent, fol. 313. 16 & 17 Car. 2. cap. 5.* And it more frequently signified the Estimate or Valuation of Lands, which when done to the utmost Value, was said to be to the full *Extent*, whence our *extended Rents* or *Rack-rents.* *Hec est Extenta terrarum—— de terris & tenementis Prioris de Durhurshe—— quantum valeant instaurare, & quantum deinstaurare. Mon. Angl. tom. 1. p. 548. and in 2 tom. fol. 321. Ad inquirendum Aestimacionem & extentam per probos viros. Fleta, lib. 2. cap. 71.*

**Extinguishment,** In our Laws signifies, an Effect of Consolidation: For Example, If a Man have due to him a yearly Rent out of any Lands, and afterwards purchase the same Lands, now both the Property and Rent are consolidated or united in one Possessor; and therefore the Rent is said to be *extinguished.* In like Manner it is, where a Man hath a Lease for Years, and afterwards buyeth the Property; this is a Consolidation of the Property and the Fruits, and is an *Extinguishment* of the Lease. See *Terms de la Ley.* So if a Man have an Highway appendant, and after purchase the Land wherein the Highway is; then the Way is *extinct*: And so it is of Common appendant. But if a Man have an Estate in Land but for Life or Years, and hath Fee-simple in the Rent; then the Rent is not *extinguished*, but in *Suspence* for the Time; and after the Term, the Rent shall be revived. And if there be Lord, Mesne, and Tenant, and the Lord purchase the Tenancy, then the Mesnalty is *extinct*; but the Mesne shall have the Surplusage of the Rent, if there be any, as *Rent-seck.* *Terms de Ley.*

**Extirpare,** To spend or lose. In the Laws of *Edward the Confessor, cap. 6.* 'tis provided, That if a Thief take any Thing unlawfully, and is near at Hand, let him restore it; *Et si illud penitus Extirpaverit,* let him make the Owner full Satisfaction.

**Extirpatione** Is a Writ judicial, that lieth against him, who after a Verdict found against him for Land, &c. doth maliciously overthrow any House upon it, &c. and it is two-fold, one *ante Judicium*, the other *post Judicium.* *Reg. Jud. fol. 13, 56, 58.*

**Extocare,** To stock up, to grub Wood-land, and reduce it to arable or Meadow. — *Dedi etiam eis pratum—— quod Rogerus de Tocheham de grava quadam extocaverat. Mon. Angl. tom. 2. p. 71.*

**Extirpentur,** for **Exortpentur.**

**Extortion, Extortio,** Is an unlawful or violent wringing of Money or Money-worth from any Man: For Example, If any Officer, by terrifying any the King's Subjects in his Office, take more than his ordinary Duties or Fees, he

committeth this Offence, and is indictable for it. To this (saith Mr. *West*) may be referred the Exaction of unlawful Usury, Winning by unlawful Games; and in one Word, all taking of more than is due, by Colour or Pretence of Right, as excessive Toll in Millers, excessive Prices of Ale, Bread, Victuals, Wares, &c. *West. Symbol. part. 2. Tit. Indictments, sect. 65.* *Manwood* saith, That *Extortion* is colore Officii, and not virtute Officii. *Crompton* in his *Justice of Peace, fol. 8.* hath these Words, Wrong done by any Man, is properly a Trespass, but excessive Wrong by any Man is called *Extortion*; and this is most properly in Officers, as Sheriffs, Mayors, Bailiffs, Escheators, and the like, that by Colour of their Office do great Oppression, and excessive Wrong unto the People, in taking excessive Rewards or Fees, for the Execution of their Office: Great Diversity of Cases touching *Extortion*, you may read in *Crom. Justice of Peace, fol. 48, 49, 50.* See the Difference between colore Officii and virtute vel ratione Officii, *Plow. fol. 64. Dive's Case.* This Word is used in the same Signification in other Countries; for *Cavalcanes de brachio Regio. part 5. num. 21.* thus describeth it, *Et extortio dicitur fieri, quando Judex cogit aliquid sibi dari quod non est debitum vel quod est ultra debitum, vel ante tempus petiti id, quod post administratam justiciam debetur.*

**Extracta Curie,** The Issues or Profits of holding a Court arising from the customary Dues, Fees, and Amercements. — *Computant de tribus denariis receptis de extractis unius Curie tenta apud Burcester. Paroch. Antiq. p. 572.*

**Extracts** or **Extracats.** See *Extracats.*

**Extra-judicial** Is when Judgment is given in a Cause or Case not depending in that Court, where such Judgment is given, or wherein the Judge has not Jurisdiction.

**Extra-Parochial,** Out of any Parish, privileged or exempt from the Duties of a Parish. *Stat. 22 & 23 Car. 2. Of Subsidy.*

**Extraria,** The same with *Estray.*

**Extrabagante,** These are certain Constitutions of Popes, and are so called, because they are *Extra Corpus Canonicum Gratiani, five extra decretorum libros vagantur. Du Cange.*

**Extumæ, Relicks.** — *Abbas igitur & Cencentus accipientes eorum extumas cum gaudio in majorem transfulerunt Ecclesiam in mausoleo nobiliter exculpto. Cartular. Abbat. Glaston. MS. penes virum Rev. Dom. Clarges, f. 15.*

**Exuperare,** To overcome. It sometimes signifies to apprehend or take; as, *Exuperare alium vivum vel mortuum. Leg. Edm. cap. 2.* So in the Laws of King *Alfred apud Brompton, cap. 7.* *Exuperetur & in Episcopi judicio reservetur.*

**Ey, Insula,** An Island. *Domesday.*

**Eyep** of **Eatks.** See *Aery.*

**Eyet, Insuletta,** A small Island or Islet: It is corruptly called by the Moderns vulgarly an *Eyght.*

**Eyazr,** An Ey, Eyrie, Brood, Nest: *Sir Thomas Havyll* his Son and Heir entred to the said ecc. Acres of Pasture, which *Thomas* released his Title to the said Poor, to have 1111. Couples of Eyre Swannys (i. e. Brood-Swans) in the Water, with all Issue and Profits. — *Munimenta Hospital. SS. Trinitat. de Pontefraffo. MS. f. 53.*

**Eyre.** See *Eire.*

**Eytendele,** An old Measure of Corn. *Willielmus de Longo Campo Episcopus Eliensis ordinavit ut in die Anniversarii sui dentur pauperibus xiii. Eytendeles de frumento. Histor. Elien. apud Wharton Angl. Sacr. P. 1. p. 633.*

F. Who

## F.

**F** Whoever maliciously shall strike any Person with a Weapon in the Church or Church-yard, or draw any Weapon there with Intent to strike, shall have one of his Ears cut off; and if he have no Ears, shall be marked on the Cheek with a hot Iron, with the Letter F that he may be known for a Fighter, or Maker of Frays. 5 & 6 E. 6. cap. 4.

**Fabricatura**, i. e. Vessels made with Gold or Silver. *Item undecim cippi argentei plani de una Fabricatura.*

**Fabrick Lands** Are Lands given to the Rebuilding, Repair, or Maintenance of Cathedrals, or other Churches, and mentioned in the Act Of Oblivion, 12 Car. 2. cap. 8. In ancient Time every one almost gave by his Will, more or less, to the Fabrick of the Cathedral or Parish-Church where he lived. And these were called *Fabrick-Lands*, because given *ad Fabricam Ecclesie reparandam*. In Dei nomine Amen, &c. Die Veneris ante festum Natiuitatis Sancti Johannis Baptiste, Anno Domini, 1423. Ego Richardus Smith de Bromyard condo Testamentum meum in hunc modum, Imprimis lego animam meam Deo & beata Maria & omnibus Sanctis, Corpusque meum sepeliendum in Cœmeterio Beata Edurgæ de Bradway. *Item lego Fabricæ Ecclesie Cathedralis Hereford xii d. Item lego Fabricæ Capelle Beata Maria de Bromyard xl d. Item lego Fratribus de Woodhouse xx d. Residuum vero bonorum, &c.* These *Fabrick-Lands* the Saxons called *Timber-Lands*.

**Facade**, i. e. The Frontispiece of an House.

**Facta Armorum**, Feats of Arms, Jests, Tournaments.—*Rex Richardus in Angliam transiens statuit Facta armorum qua vulgo Torneamenta dicuntur, in Anglia exerceri.*—Hist. Joh. Brompton in Ric. 1. p. 1261.

**Factum**, A Man's own Act or Deed.—*Prædictus vero Willielmus postea per concordiam quietam clamavit libere & pacifice ab omni seruitio dictam advocantiam—ut patet per factum suum.* Mon. Angl. tom. 2. p. 246.

**Faculty**, *Facultas*, As it is restrained from the original and active Signification, to a particular Understanding in Law, is used for a Privilege, or special Power granted unto a Man by Favour, Indulgence and Dispensation, to do that which by the Common Law he cannot do; as to eat Flesh upon Days prohibited, to marry without Banes first asked, to hold two or more Ecclesiastical Livings; the Son to succeed the Father in a Benefice, and such like. And for the granting of these, there is an especial Court under the Archbishop of Canterbury called *The Court of the Faculties*, and the Chief Officer thereof the Master of the *Faculties*, *Magister ad Facultates*, whose Power to grant as aforesaid, was given by 25 H. 8. cap. 21. See 28 H. 8. cap. 16. and 4 par. inst. fol. 337.—Engl. Anno 4 E. 4. cap. 1.

**Færbena**, i. e. A Countryman.

**Fæsting Men**, i. e. Vassals. *Nec Rex suum passum requirat, vel habentes homines, quos nos dicimus Fæsting-men, nec eos qui accipitres portant vel Falcones, &c.* Charta Cenulphi Regis Merciorum in anno 821. In Monast. Anglican. tom. 1. p. 100. Du Fresne renders this Word *Homines commendati Vassalli*, ex Sax. *Fæsting*, *commendatus* & Man, *homo*: And says, *habentes idem valet ac divites*. But I rather think *Fæsting Men* and *habentes homines* mean rather Pledges, Sureties, or Bondsmen,

which by Saxon Custom were fast bound to answer for one another's peaceable Behaviour.

**Fag**, i. e. A Knot or Exerescency in Cloth. 'Tis used in this Sense in the Sat. 4 Ed. 4. cap. 1. From the Sax. *Fece*, *Intervallum*.

**Faggot**, A Badge wore in Times of Popery on the Sleeve of the upper Garment of those who had recanted and abjured what the then Powers called Heresy. For those poor terrified Wretches were not only condemned to the Penance of carrying a *Faggot* to such an appointed Place of Solemnity, but for a more lasting Mark of Infamy, they were to have the Sign of a *Faggot* embroidered on one, and sometimes each Sleeve. And the leaving off this Badge or *Faggot* was often alledged as the Sign of Apostasy.

**Faida**, i. e. Malice or deadly Feud. *Et portet fractionem erga cognationem.* Leg. H. 1. cap. 88. From the Sax. *Fæth*, *Inimicitia*.

**Faint**, alias *Feint-Action*, (Fr. *Feint*) is as much as *Feigned Action*, that is, such Action, as albeit the Words of the Writ be true, yet for certain Causes he has no Title to recover thereby. And a *false Action* is where the Words of the Writ are false. Coke on Litt. fol. 361. Yet sometimes they are confounded.

**Faint-Deceiver** (from the Fr. *Feinte*, *falsus*) signifies a false, covinous, or collusory Manner of Pleading, to the Deceit of a third Party. 34 & 35 H. 8. cap. 24.

**Fairing**, or *Fairandman*, i. e. A Vagrant. From the Sax. *Faran*, To go or wander.

**Fair Pleading**. See *Beaupleder*.

**Faire**, alias *Feyr*, (*Feria*) Cometh of the French *Foire*, and signifies as much as *Nundine* with the *Civilians*, that is, a solemn or greater Sort of Market, granted to any Town by Privilege, for the more speedy and commodious Provision of such Things as the Subject needeth, or the Utterance of such Things as we abound in above our own Uses and Occasions; both our English and the French Word seemeth to come of *Feria* because it is always incident to a Fair by Privilege, that a Man may not be molested or arrested in it for any other Debt, than what was first contracted in the same, or at least was promised to be paid there. 17 E. 4. cap. 2. and 1 R. 3. cap. 6.

**Fait**, In Latin *Factum*, A Deed, which is a Writing sealed and delivered to prove and testify the Agreement of the Parties, whose Deed it is, and consists of three principal Points, *Writing*, *Sealing* and *Delivery*. By *Writing* is shewed the Parties Name to the Deed, their Dwelling-places, Degrees, Thing granted, upon what Consideration, the Estate limited, the Time when granted, and whether simply, or upon Condition, &c. 2. *Sealing* is a farther Testimony of their Consents, as appears by these Words, *In Witness whereof, &c.* *In cujus rei testimonium, &c.* without which the Deed is insufficient. In the Time of the Saxons our Antestors they only subscribed their Names, commonly adding the Sign of the Cross, and in the End set down a great Number of Witnesses, not using any Kind of Seal, which Fashion continued until the Norman Conquest; whose Custom by little and little prevailing, brought in the Use of Seals. The first sealed Charter in England, is supposed to be that of Edward the Confessor to the Abbev of Westminster, which he being educated in Normandy brought thence: This Change is mentioned by *Inoulphus*, who came in with the Conqueror, in these Words,

*Normanni Chirographorum confectioem (cum crucibus aureis & aliis signaculis sacris in Anglia firmari solitam) in ceram impressam mutant, medium; scribendi Anglicum rejiciunt; but this Custom was at first used only by the Nobility, as appears in the History of Battel Abbey, where Richard Lucy Chief Justice of England, in the Time of Henry the Second, is reported to have blamed a mean Person for using a Seal, which (he said) pertained only to the Nobility; yet, in Edward the Third's Time Seals became very common, according to every Man's Fancy. 3. Delivery, though it be set last, is not the least; for after a Deed is written and sealed, if it be not delivered, it is to no Purpose: And therefore in all Deeds, Care must be taken that the Delivery be well proved.*

*Faitours (a French Word antiquated; for the modern French is Faisour, i. e. Factor) is used in the Stat. 7 R. 2. cap. 5. in the evil Part, signifying a bad Doer; or it may not improbably be interpreted an idle Liver, taken from Faitardise, which signifies a Kind of sleepy Disease, proceeding of too much Sluggishness, which the Latins call Veternus: For in the said Statute it seems to be synonymous with Vagabond.*

*Falang, A Jacket, or close Coat.*

*Falcatura, One Day's mowing or cutting Grass. Falcare prata, to cut or mow down Grass in Meadows hay'd, or laid in for Hay, was a customary Service for the Lord by his inferior Tenants; Falcatura una, was the Duty of one Time mowing; Falcator was the servile Tenant, performing this Labour; Falcata was the Grass fresh mow'd and laid in Swathes. See Mr. Kennet's Glossary, in Falcare.*

*Falco, A Falcon, Falconarius, a Falconer, Falco Gentilis, a Jer-falcon, Falco Spararius, a Sparrow-Hawk. King John, in the 14. of his Reign, granted to Owen Fitz-David, and Griffin Fitz-Rodher — tria cantreda tenenda per servitia subscripta — unam motam canum per annum, & decem leporarios, & omnes accipitres & Falcones gentiles & Spararios dictorum trium Cantredorum — Pat. 14 Joh.*

*Falda, A Sheepfold, Et quod oves sint levantes & cubantes in propria falda Canonicorum. predictorum. Rot. Cart. 16 Hen. 3. m. 6.*

*Faldage, Faldagium, Is a Privilege which anciently several Lords reserved to themselves, of setting up Folds for Sheep in any Fields within their Manors, the better to manure them; and this not only with their own, but their Tenants Sheep, which they called *Secta falde*. This Faldago in some Places they call a Fold-course, or Free-fold, and in some old Charters Faldoca, that is, Libertas falda or faldagii. Rogerus Rusteng concessit Ecclesie B. Mariae de Wimondham 40 acras terra in Sarnesbrune, cum dimidia Fald-foca, &c. Cartular. Monasterialis Ecclesie prae dict. pag. 48. De Faldagio habendo ad ducentos bidentas; ad plus, in villa de Atheburg. Mon. Angl. 2 Par. fol. 275. a.*

*Faldæursus, A Sheep-walk or Feed for Sheep. 2 Ventris, 139.*

*Faldata, A Flock or Fold of Sheep, as many as were usually folded in one Cote, Pen, or Fold.*

*Nullus in villa S. Edmundi potest aut debet habere faldam nisi Cellerarius, præter Henricum Aurifabrum, qui potest habere faldam a parte villa australi, sed faldata ejus non pascere ultra viam apud Herdenyk. — Ex Cartular. S. Edmundi. MS. f. 327.*

*Faldfee' or Faldfee, A Composition paid by some customary Tenants, that they might have*

*Liberty to fold their own Sheep upon their own Land. W. M. tenet ix. acras terra Customaria in Bosbury & quoddam molendinum aquaticum ad voluntatem Domini, & debet quasdam consuetudines, viz. Tak, & Toll, & Faldfey, & sanguinem suum emere Liber niger Heref. fol. 158. See Faldage.*

*The Liberty of folding or penning Sheep by Night, is still in Norfolk called Fouldage.*

*Fald-gang-penning is the Money paid by the Tenant to the Lord of the Soil, that he may be exempted from *Secta falde*, i. e. from Folding his Sheep in the Lord's Fold.*

*Faldstoz, i. e. The highest Seat of a Bishop, inclosed with a Lattice. From the Sax. Falde Septum, and Stor, Locus.*

*Faldtutth signifies a Person of Age, that he may be of some Decennary: From the Saxon Fald, Decuria, and Worth, Dignus. See Frankpledge. Volo ut Abbas, &c. habeat socam in omnibus super omnes homines qui sunt Morthwriithi, Ferdwriithi, & Faldwriithi, in isto Hundredo. Du Fresne.*

*Faleræ, (Lat. Phalera.) Cum Bigis & Curris & cateris Faleris. 2 Mon. Angl. fol. 256. b. The Tackle and Furniture of a Cart or Wain.*

*Falchia, A great Rock. Concessi quod habeant longam viam super Falchiam petraria per totam longitudinem disti falchii. Mon. 2 Tem. pag. 165.*

*Falesia, and Falazis, (Fr. Falaize,) a Bank; Hill, or Down, by the Sea-side. Coke on Littleton, fol. 5. b.*

*Falk-land alias Folk-land. See Copyhold and Freehold.*

*Fallow-land. (Saxon Fealta) See Warettum.*

*Fallum, A Sort of Land De duabus acris & viginti Fallis in Lairiwait. Mon. Angl. 2 Tom. fol. 425.*

*Falmotum, Falcheshmote, Folkmote, From Sax. folk, People, and mote or gemote, a Convention or Assembly; so as a Falkmote was a general Word for a common Meeting or general Assembly of the People, and did extend to three several Kinds of popular Concourse. 1. It signified a Common Council of all the Inhabitants of a City, Town, or Borough, and was then otherwise called the Burgmote or Portmote, conven'd often by Sound of Bell, called Mote-hall, to the Mote-hall or Mote-house. Or, 2. It was applied to a larger Congress of all the Free Tenants within a County, called the Shire-mote, where formerly all Knights and Military Tenants did their Fealty to the King, and elected the annual Sheriff on Octob. 1. 'till this popular Election, to avoid tumultuary Riots, was devolved to the King's Nomination, Anno 1315. 3 Edw. 2. After which the City Folkmote was swallowed up in a select Committee or Common Council, and the County Folkmote in the Sheriff's Turn and Assises. But 3. The Word Folkmote was sometimes of a less Extent, and denoted any Kind of populous and publick Meeting, as of all Tenants at the Court-Leet or Baron of their Lord. So as to a Charter of Wido de Meriton, about 10 Hen. 2. Testes donationis sunt Falco Sacerdos de Meriton, Luvellus de Hospath, & totum falmorum meorum hominum & suorum. — Paroch. Antiq. p. 120. See Folkmote.*

*Falfe Claim Is, where a Man claims more than his Duc: As the Prior of Lancaster, by Reason of a Charter, had the Tenth of all the Venison, viz. In carne tantum sed non in corio. And because he made a Falfe Claim, and said, That he*



he ought to have the Tenth of all Venison within the Forest of Lancaster, as well in *Carnie* as in *Corio*; therefore he was in *misericordia de decima venationis sue in Corio non peripiendo*, Manwood's Forest Laws, cap. 25. num. 3.

**Falſe Impriſonment**, *Falſum im priſonamentum*, Is a Treſpaſs committed againſt a Man by impriſoning him without lawful Cauſe: It is alſo uſed for a Writ which is brought upon this Treſpaſs, *F. N. B. fol. 86, 88. Vide Librum*, and the *New Book of Entries*, verbo *Falſe Impriſonment*.

**Falſe Prophecies**. See *Prophecies*.

**Falſiſie** ſeems to ſignifie as much as to prove a Thing to be falſe. *Perkins, Dower, 383, 385.* Alſo to ſay or do falſly; as to falſify, or counterfeit the King's Seal. *Rex—Vir. Lincoln. Scias quod dedimus Ade de Eſſex Clerico noſtro, pro ſervitio ſuo omnes terras & tenementa que fuerunt Will. de Scrubby, cujus terra & tenementa ſunt exaeta noſtra, per Feloniam quam ſe it de falſificatione Sigilli noſtri T. apud Linc. 28 Nov. &c. Clauſ. 6 Joh. m. 12. in dorſo.*

**Falſo Judicio** Is a Writ that lieth for falſe Judgment given in the County, Hundred, Court-Baron, or other Courts, being no Courts of Record, be the Plea Real or Perſonal. *Reg. Orig. fol. 15. F. N. B. fol. 17. And the New Book of Entries*, verbo *Falſe Judgment*.

**Falſonarius**, A Forger, — *Et quot falſonarios Chartarum, & reſonſores denariorum, ubi eos ſcient, detegent. Hoveden. fol. 424. num. 40.*

**Falſo reſono Breuium** Is a Writ lying againſt the Sheriff, for falſe returning of Writs. *Reg. Judic. fol. 43. b.*

**Familiarius**, and **Famſolara**, *i. e.* Trifles.

**Familia**, *i. e.* all the Servants belonging to a particular Maſter; in another Senſe 'tis taken for a Portion of Land, *viz.* As much as is ſufficient to maintain one Family, *viz.* & *confeſſum ei terram 70 familiarum largitur. Simeon Dunelm.* So in *Brompton, Dedit ei monaſterium triginta familiarum in loco. Du Cange. Pro hida, maſſa, manſa, carucata—Donavit terram quinquaginta Familiarum ad conſtruendum Monaſterium. Beda Hiſt. Eccl. lib. 4. cap. 5.* This Term Hide is, by our Writers, ſometimes called a *Manſe*, ſometimes a *Family*, ſometimes *Carucata*, or a Ploughland; containing as much as one Plough and Oxen could cultivate in a Year. *Creſſy's Church Hiſt. fol. 723. b. Ubi Beda Familiam, Saxonius ejus interpres coataneus poſſum hinc redderet, Anglo-Normannis Carucata terra. Gloſſ. in x. Script.*

**Fanatick**, *Anno 13 Car. 2. cap. 6.* Is uſed as a general Name for *Quakers*, *Anabaptiſts*, and all other Sectaries and factious Diſſenters from the Church of England.

**Fawatio**, *Menſis Fanationis*, the Fawning-Time or Fence-month in Foreſts; fifteen Days before Midſummer, and fifteen Days after; when great Care was taken that no Diſturbance ſhould be given to the Does or their young Fawns. See *Mr. Kenner's Gloſſary in Fannatio*. During this Time, by the Laws of the Foreſt, all Hunting is prohibited: *Prohibendum eſt etiam ad placitum Foreſta ne aliquis carretta exeat cbiminum in Foreſta Regis; neque cervi ſint in Foreſta Regis tempore ſoinſum, viz. 15 diebus ante Nativitatem Sancti Johannis Bapt. & 15 diebus poſt idem Feſtum. Hoveden, f. 784. See Foinſum.*

**Fawning**, (from the Fr. *Faonner*) A Fawning or bringing forth Young, as *Deer do Fawns. Charta Foreſte, cap. 8.*

**Fannatum frumentum**, Wheat or Bread-Corn clean'd up or fann'd with a Wind-Fan or Kneefan. — *Cellerarius Mon. Wigornia recipiet in ſeptimana decem ſextarios frumenti Fannatos, & decem mittas braſſii. Mon. Angl. tom. 1. p. 136. b.*

**Farandiman**, (from the Sax. *Faran*, to Travel) According to the Interpretation of *Skene de verbor. Signif.* is a Merchant-Stranger, to whom, by the Laws of Scotland, Juſtice ought to be done with all Expedition, that his Buſineſs or Journey be not hindred.

**Fardel of Land** (*Fardella terra*) Is according to ſome Authors, the fourth Part of a Yard-land; yet *Noy in his Complete Lawyer, pag. 57* will have two Fardels of Land make a Nook, and four Nooks make a Yard-land.

**Farding-deal**, (Sax. *Feord*, *i. e.* quarta, and *Del*, or *Dole, pars*) alias **farthdel** of Land, *Quadrantata terra*, ſignifieth the fourth Part of an Acre, *Crom. Fur. fol. 220. Quadrantata terra* is read in *Reg. Orig. fol. 1. b.* where you have *Denariata & Obolata, Solidata & Librata terra*, which probably muſt ariſe in Proportion of Quantity, as an Half-penny, Penny, Shilling, Pound, riſe in Value or Eſtimation; then muſt *Obolata* be half an Acre, *Denariata* an Acre, *Solidata* twelve Acres, and *Librata* twelve Score Acres: And yet I find *Viginti libratas terra vel redditus. Reg. Orig. fol. 94 and fol. 248.* whereby it ſeemeth, that *Librata terra* is ſo much as yieldeth twenty Shillings per annum, and *centum ſolidatas terrarum, tenementorum & reddituum*, fol. 149. And in *F. N. B. fol. 87.* are theſe Words, *Viginti libratas terra vel redditus*, which argueth it to be ſo much Lands as yields twenty Shillings per ann. ſee *Furlong*. Others hold *Obolata terra* to be but half a Perch, and *Denariata* a Perch. See *Spelm. Gloſſ. verbo Obolata terræ, Sciatis, &c. me R. de J. dediffe Medietatem unius Feorwendel terra, de meo Dominio, &c. Mon. Angl. 2 par. fol. 913. b.* At *Monkland* in *Herefordſhire*, they call it a *Verdral* of Land.

**Farding**, or **farthing** of Gold, ſeemeth to be a Coin uſed in ancient Times, containing in Value the fourth Part of a Noble, *viz.* twenty Pence in Silver, and in Weight the ſixth Part of an Ounce of Gold; that is, of five Shillings in Silver. This Word is uſed *9 H. 5. cap. 7.* thus, *Item, That the King do to be ordained good and juſt Weight of the Noble, half Noble, and Farthing of Gold, with the Rates neceſſary to the ſame for every City, &c.* By which Place it plainly appeareth to have been a Coin, as well as the Noble and half Noble. *Knighton*, in the Year 1345, ſaith, *Eodem anno nobile & obolus & Farthing de auro cœperunt florere in Anglia.*

**Fare** Signifies a Voyage or Paſſage, or according as we now uſe it, Money paid for paſſing by Water. *2 & 3 P. & M. cap. 16.*

**Farinagium**, — *Et quod de cætero Molendinarius non capiat Farinagium, &c. Ordinationes Juſtin. in inſula de Jerſey. 17 Edw. 2.* It ſeems to ſignify Toll of Meal or Flower.

**Farley**, or **farlu**, In the Manor of *Weſt Slapton* in *Com. Devon.* if any Tenant die poſſeſſed of a Cottage, he is by the Cuſtom to pay to the Lord Six-pence for a Farley; which I ſuppoſe may be in Lieu of a *Heriot*: For in ſome Manors *Weſtward*, they diſtinguiſh *Farleu* to be the beſt Good, as *Heriot* is the beſt Beaſt, payable at the Tenant's Death.

**Farlingarii**, Whoremongers, Adulterers, from the Sax. *Forlicgean*, *Fornicari*.

**Farinarium**, i. e. a Mill, *ubi ex frumento mixto farina conficitur*.

**Farm**, See *Ferme*, from the Sax. *Feorm*, i. e. Food, and this from *Feorman*, i. e. to feed. In the Laws of *Canutus*, in 67. *Fearm*, Mr. Lambard renders *vitum*, so *reddere firmam unius noctis*, and *reddebat unum diem de firma*, is so much Provision for a Night and a Day; for about the Time of *William the Conqueror*, the Rents were reserved in Provisions, which was altered by *H. 1.* It is usually the chief Messuage in a Village or Town, whereto belongs great Demesns of all Sorts, and hath been used for Term of Life, Years, at Will. The Rent reserved upon such a Lease, is called *Farm*, and the Tenant or Lessee *Farmor*. See *Ferme*, and *Spelm. Gloss. verbo Firma*.

**Farthing**, in Sax. *Feorthling*, was the fourth Part of a Saxon Penny, and frequently in Use among them. See *Penny*.

**Farthing of Land**, (Sax. *Feordling*) Seems to be a great Quantity, and differs much from *Farding-deal*; for in a Book *Of Survey of the Manor of West-Slapton in Com. Devon*, there is an Entry thus made, *A. B. holds six Farthings of Lands at 126 l. per annum*. See *Fardel* and *Farding-deal*. *Farthing* always imported the fourth Part. And therefore *Quarter-Rials*, or Pieces of Gold that passed for two Shillings six Pence the fourth Part of a Rial current at ten Shillings, were called *Rial-Farthings* in an Indenture of the Mint. 1 Hen. 6.

**Farundel**, The same with *Farding-deal*.

**Fasma**, i. e. A Language, viz. *A Latino Rhetorico fasmate in propriam vertit linguam volumina*. Du Cange.

**Fassus**, A Fagot, Fr. *Faisseau*. — *Concessit Abbati duos fassos dorsales ramorum grossorum bosci ipsius*. Mon. Angl. tom. 2. p. 238.

**Fasterman**, i. e. Pledges, from the Sax. *Fest*, *firmus*, and *Man*, *homo*. *De emptionibus sine fidejussoribus quod Anglice vocant Fastermannes*. Leg. Edw. Confessor. cap. 33.

**Fat**, or *Uate*, Is a great wooden Vessel, which among Brewers and Malsters is ordinarily used at this Day to measure Malt by for Expedition, containing eight Bushels, or a Quarter, mentioned 1 H. 5. cap. 10. 11 H. 6. cap. 8. It is also a leaden Pan or Vessel for the Making of Salt at *Droitwich* in the County of *Worcester*, whercof the several Owners or Proprietors do claim Estates of Inheritance and Burgefs-ship. Also a great brewing Vessel used by all Brewers to run their Wort into.

**Fathwit**, (LL. Hen. 1. cap. 70.) perhaps the same with the Sax. *Fenth-wode*, i. e. *Factionum seu inimicitiarum multa seu compensatio*.

**Fatus mulier**, A Whore. *Cum quadam fatua muliere nudus in lecto cum nuda extitit deprehensus*. Du Fresne.

**Faufetum**, A Faucet, a musical Pipe or Flute.

— *Organum tamen & decentum, faufetum & Pipeth omnino in divino officio omnibus nostris utriusque sexus interdicimus*. Regul. Ordinis de Sempringham. p. 717.

**Fautores**, 16 R. 2. cap. 5. Are Favorers, Supporters or Abettors.

**Farling of Record**, *Fayler de Record*, Is, when an Action is brought against one, who pleads any Matter of Record, and avers to prove it by Record: And the Plaintiff saith, *Nul tiel Record*, whereupon the Defendant hath a Day given him

to bring it in, at which Day if he fails, or brings in such a one as is no Bar to this Action; this is said to be a *Failure of Record*, &c. *Terms de la Ley*, 346.

**Faytoure**, Seemeth to be a French Word antiquated, or something traduced; for the modern French Word is *Faisene*, that is, *Factor*: It is used in the old Statute, 7 R. 2. cap. 5. and in the civil Part, signifying a bad Doer. It may not improperly be interpreted an idle Liver, taken from *Faitardise*, which signifies a Kind of Numness or sleepy Disease, proceeding of too much Sluggishness, which the Latins call *Veternus*; for in the said Statute it seemeth to be a Synonymon with *Vagabond*.

**Feal**, The Tenants by Knights-Service did swear to their Lord to be *feal and leal*, i. e. faithful and loyal. See *Spelman* of Parliaments, pag. 59.

**Fealty**, *Fidelitas*, Cometh of the French *Feaulte*, that is *Fides*, and signifieth in our Common Law an Oath, taken at the Admittance of every Tenant, to be true to the Lord, of whom he holdeth his Land: And he that holdeth Land by this only Oath, holdeth in the freest Manner that any Man in England under the King may hold: Because all with us that have Fee, hold *per fidem & fiduciam*, that is, by Fealty at the least. *Smith de Repub. Angl. lib. 3. cap. 8.* For *Fidelitas* is *de substantia feudi*, as *Duarenus* saith, *de Feud. cap. 2. num. 4.* And *Matthaus de affictis de fids*, 320. num. 4. pag. 465. saith, That *Fidelitas est substantiale feudi, non servitium*: The Particulars of his Oath, as it is used among the Feudists, you may read well exprest by *Zafius*, in his *Traffate de feudis*, part 7. num. 15, 16. which is worth the Comparing with the usual Oath taken here in England. This Fealty is also used in other Nations, as the Lombards and Burgundians. *Cassanens de consuet. Burgund. pag. 419, 420.* And indeed the very Creation of this Tenure, as it grew from the Love of the Lord toward his Followers, so did it bind the Tenant to Fidelity, as appeared by the whole Course of the Feods; and the Breach thereof is the Loss of the Fee. *Duarenus in Commentariis feudorum*, cap. 15. num. 4. & sequen. *Antonius Contius in metodo feudorum*, cap. quibus modis feudum amittitur. *Hotoman* in his *Commentaries de verbis feudalibus*, sheweth a double Fealty, one general, to be performed by every Subject to his Prince; the other special, required only of such as in respect of their Fee are tied by this Oath to their Landlords: We may read of both in the *Grand Customary of Normandy*, being of Course performed to the Duke by all reliant within the Dutchy. This Fealty special is among us performed either by Freemen or Villains. The Form of both see in *Anno 14 E. 1. Stat. 2.* in these Words, When a Freeman shall do Fealty to his Lord, he shall hold his right Hand upon a Book and say thus, *Hear you my Lord R. that I A. B. shall be to you faithful and true, and shall owe my Fealty to you, for the Land that I hold of you, and truly shall do you the Customs and Services that I ought to do to you at the Terms assigned: So help me God, and all his Saints.* And shall Kiss the Book, but he shall not kneel. When a Villain shall do Fealty to his Lord, he shall hold his right Hand over the Book, and say thus, *Hear you my Lord R. that I R. F. from this Day forth unto you shall be true and faithful, and shall owe you Fealty for the Land which I hold of you in Villenage, and shall be justified by you both in Body and Goods;*

So help me God, and all his Saints. See Reg. Orig. fol. 302. a. Fidelitus (saith Spelman) est fidei, obsequii & servitii ligamen, quo generaliter subditus Regi, particulariter Vassallus, domino astringitur.

It is usually mentioned with Homage, but it differs from it; for Homage consists in the Taking an Oath when the Tenant comes to his Land, and is done but once, and so is the Oath of Fealty, but that is an Obligation which is permanent, and binds for ever. These differ also in Manner of the Solemnity, for the Oath of Homage is taken by the Tenant kneeling, but that of Fealty is taken standing, and includes six Things, which are comprised in these Words, *Incolume, tutum, utile, honestum, facile, possibile*; *Incolume*, that he do no bodily Injury to the Lord; *Tutum*, that he do him no secret Injury in any Thing which is for his Defence, as in his House or Cattle; *Honestum*, that he do him no Injury in his Reputation; *Utile*, that he do not damage him in his Possessions; *Facile & possibile*, that he make it easy and not difficult for the Lord to do any good, which otherwise he might do, nor make that impossible to be done which before was in his Power to do: All which is likewise comprised in Leg. H. 1. cap. 5. *Omnis homo fidem det Domino suo de vita & membris suis & terreno honore & observatione consilii sui per honestum & utile, fide dei salva & terra principis salva.*

**Feasts.** See *Dedicatio* and *Dedication*.

*Sed rursum redeamus in atria, conspice cursum  
Impositas longis duplicato tegmine Cellas  
Porticibus, metanda bonis habitacula digne,  
Quos hic ad Sancti justum Felicis honorem  
Duxerit orandi studium, non cura bibendi:*

For at first they annually came to pray to the Saint to whom the Church was dedicated, but afterwards only to eat and drink, and exercise themselves in Sports.

**Feda**, Item sciendum est quod quatuor virgata terra & dimid. debent seminare & arare novem Seviones terra, in quibus seminabunt novem Trugas frumenti, qua vocatur Feda. Liber niger Heres. fol. 53.

**Fee**, *Feudum* vel *feodum*, Cometh of the French Word *Fief*, i. *pradium beneficiarium, vel res clientelaris*, and is used in our Common Law to signify divers Things: As first, all those Lands which we hold by perpetual Right, as *Hotoman* well noteth *verbo Feodum, de verbis feudalibus*. Our ancient Lawyers have not expressed what they fully meant by it, but only say, that by this Name go all Lands and Tenements that are held by any Acknowledgment of Superiority to a higher Lord. They that write of this Subject, divide all Lands and Tenements where a Man hath a perpetual Estate to him and his Heirs, &c. into *Allodium*, & *feudum*. 1. *Allodium* they define to be every Man's own Land, &c. which he possesseth merely in his own Right, without Acknowledgment of any Service, or Payment of any Rent to another; and this is a Property in the highest Degree. 2. *Feudum* is that which we hold by the Benefit of another, and in the Name whereof we owe Service, or pay Rent, or both, to a superior Lord: And all our Land here in England (the Crown-Lands being in the King's own Hands, in the Right of his Crown excepted) is in the Nature of *Feudum* or *Fee*; for though many have Land by Descent from their Ancestors, and others have dearly purchased Land with their

Money; yet is the Land of such a Nature, that it cannot come to any either by Descent or Purchase, but with the Burthen that was laid upon him, who had *Novel Fee*, or first of all received it as a Benefit from his Lord to him and to all such to whom it might descend, or any Way be conveyed from him. So that in Truth no Man hath *directum Dominium*, the very Property or Demain in any Land, but only the Prince in the Right of his Crown. *Camb. Brit. pag. 93*. For though he that hath *Fee*, hath *jus perpetuum & utile Dominium*, yet he oweth a Duty for it, and therefore it is not simply his own; which Thing, I take those Words, that we use for the expressing of our deepest Rights in any Lands or Tenements, to import: For he that can say most of his Estate, says thus, *I am seised of this or that Land or Tenement in my Demain as of Fee, Seisitus inde in Domino meo ut de feudo*, and that is as much as if he said, it is my Demain or proper Land after a Sort, because it is to me and my Heirs for ever; yet not simply mine, because I hold it in the Nature of a Benefit from another. Yet the Statute of 37 H. 8. 16. useth these Words of Lands invested in the Crown; but it proceedeth from the not knowing the Nature of this Word *Fee*; for *Fee* cannot be without *Fealty* sworn to a Superior, as you may read partly in the Word *Fealty*, but more at large in those that write *de feudis*, and in particular *Hotoman* both in his *Commentaries* and *Disputations*. And Note, that Land, &c. with us is termed *Fee* in two Respects, one as it belongeth to us and our Heirs for ever, the other as it holdeth of another. *Britton, cap. 23*. defineth it thus; *Fee* is a Right consisting in the Person of the true Heir, or of some other that by just Title hath purchased it. *Fleta* saith, *Feudum est quod quis tenet ex quacunque causa sibi & heredibus suis, sive sit tenementum sive redditus qui non proveniunt ex camera, & alio modo dicitur feudum, sicut ejus qui feoffant, & quod quis tenet ab alio sicut dicitur, talis tenet de tali tot feuda per servitium militare. Lib. 5. cap. 5. sect. feudum autem*. And all that write *de feudis*, hold, that *feudatarius* hath not an intire Property in his *Fee*. But the Definition of Sir Henry Spelman is most intelligible. A *Feud* is a Right which the Vassal hath in Land or some immoveable Thing of his Lord's, to use the same, and take the Profits thereof hereditarily, rendring unto his Lord such *feudal* Duties and Services as belong to military Tenure, the mere Propriety of the Soil always remaining to the Lord. *Spelman of Feuds, cap. 1*. The Divisions of *Fee* in divers Respects are many, and worthy to be known; but we divide them only into *Fee absolute*, otherwise termed *Fee-simple*; and *Fee conditional*, otherwise called *Fee-tail*. *Fee-simple, feudum simplex*, is that of which we are seised in these general Words, *To Us and Our Heirs for ever*. *Fee-tail, feudum taliatum*, is that whereof we are seised to Us and our Heirs, with Limitation, that is, the Heirs of our Body, &c. And this *Fee-tail* is either *general* or *special*: *General* is, where Land is given to a Man and the Heirs of his Body; the Reason whereof is given by *Littleton, lib. 1. cap. 2*. because a Man seised of Land by such a Gift, if he marry one or more Wives, and have no Issue by them, and at length marry another by whom he hath Issue; this Issue shall inherit the Land. *Fee-tail special*, is that, where a Man and his Wife be seised of Lands to them and the Heirs of their two Bodies. The Reason

is given likewise by *Littleton* in the same Place, because in this Case the Wife dying without Issue, and he marrying another by whom he hath Issue; this Issue cannot inherit the Land, being specially given to such Heirs, &c. This *Fee-tail* hath the Original from the Statute of *Westm. 2. cap. 1.* made 13 E. 1. Yet see *Bracton, lib. 2. cap. 5. num. 3. in his verbis, Item quaedam absoluta & larga, & quaedam stricta & coarctata sicut certis heredibus.* To whom add *Plowden, fol. 235. Willion's Case*; for before that Statute, all Land given to a Man and his Heirs, either general or special, was accounted in the Nature of a Fee; and therefore held to be so firmly in him to whom it was given, that any Limitation notwithstanding, he might alien, and sell it at his Pleasure, much like that which the *Civilians* call *Nudum preceptum*, binding rather by Counsel and Advice, than Compulsion or Restraint. But this seeming unreasonable to the Wisdom of our Realm, that a Man meaning well to this or that Posterity of himself, or his Friends, might be forthwith deceived of his Intention; the said Statute was made for Redress of that Inconvenience, whereby it is ordained, That if a Man give Lands in Fee, limiting the Heir, to whom it shall descend, with a Reversion to himself or his Heirs, for Default, &c. that the Form and true Meaning of his Gift shall be observed: He then that hath Fee, holdeth of another by some Duty or another, which is called *Service*; and of this Service, and the Diversity thereof, see *Chivalry* and *Service*. Secondly, This Word *Fee* is sometimes used with us for the Compass or Circuit of a Manor or Lordship. *Bracton, lib. 2. cap. 5. In eadem villa & de eodem feodo.* Thirdly, It is used for a perpetual Right incorporeal, as to have the Keeping of Prisons in Fee. *Old Nat. Brev. fol. 41. Foster in Fee, eod. fol. 6. Rent granted in Fee, eod. fol. 8. Sheriff in Fee, 28 E. 1. Stat. 3. cap. 8.* Lastly, It is taken for a Reward or Wages given to one for the Execution of his Office, as the Fee of a Forester, of a Keeper of a Park, or of a Sheriff for serving an Execution, limited by 20 Eliz. cap. 4. And also for that Consideration given a Serjeant at Law or Counsellor, or a Physician, for their Counsel and Advice in their Profession, which, as it is well observed by Sir John Davis, in his Preface to his Reports, is not properly *Merces*, but *Honorarium*; yet in the Law Language it is called a Fee.

**Fee-Expectant** Is by the *Fendists* termed *feudum expectativum*, or *expectativa* substantively used. *Matthaus de afflictis discis. 292. nu. 2. pag. 417. See Expectant.*

**Fee-farm**, *Fendi firma*, Is a compound of *Fee*, and *ferme*, *pradium*, and signifieth in a legal Sense Land held of another in Fee, that is, in Perpetuity to himself and his Heir, for so much yearly Rent as it is reasonably worth, more or less, so it be the fourth Part of the Worth, (*Old Tenures. See Exposition of the Statute of Gloucester, Anno 6 E. 1.*) without Homage, Fealty, or other Services, other than be specially comprised in the Feoffment; but by *Fitzherbert* in his *Nat. Brev. fol. 210.* it seemeth, that the third Part of the Value may be appointed for the Rent, or the Finding of a Chaplain to sing Divine Service, &c. And the Nature of it is thus, that if the Rent be behind and unpaid for the Space of two Years, then the Feoffor, or his Heirs, have an Action to recover the Lands as

his Demesnes. *Britton, cap. 66. num. 4.* But observe, that *West* in his *Symbol, part 1. lib. 2. sect. 463.* says that the Feoffment may contain Services and Suit of Court, as well as Rent. And in *Terms de la Ley*, that *Fee-farm* oweth Fealty, tho' not expressed in the Feoffment, for that Fealty belongeth to all Kind of Tenures; this is near the Nature of that which, among the *Civilians*, is called *Ager Vefligalis, qui in perpetuum licetur i. hac lege, ut quamdiu pro eo Vefligal pendatur, tamdiu neque ipsi qui conduxerunt, neque iis qui in locum eorum successerunt, auferri eum liceat.* The *Fee-farm* Rents remaining to the Kings of England from their ancient Demesnes, were many of them alienated from the Crown in the Reign of King Charles II. But how doubtful Men are of the Title to Alienations of any Nature, is evident from this, that whilst these Rents were exposed to Sale for Ready Money, scarce any would deal for them, and they remained unsold, till the Method of doubling Orders did a little help; but that which made Men earnest indeed to buy them, was the Stop upon some of his Majesties other Payments, which made Men to resort to this as the most eligible in that Conjunction. *Vid. Reasonable Defence of seasonable Discourse, p. 27.*

**Feud** alias **Feud**, *Feida* alias *fatda*, Signifieth in the German Tongue, *Guerram*, that is, *Capitales inimicitias.* *Hotoman Disput. De feudis, cap. 2. Lamb.* in his Exposition of Saxon Words, writes it *Feeth*, and saith likewise, that it denotes *Capitales inimicitias*: And also that *Feud* now used in Scotland, and in the North Parts of England, is the same, that is, a Combination of Kindred, to revenge the Death of any of their Blood against the Killer, and all his Race. See *Skene de verbor. Signif. verbo Affidatio.*

**Feitug**, A small Bundel, an Arnful. *Omnes isti debent prata Domini falcare, levare & carviare, & habebunt unum multonem & unum caseum, & quilibet habebit unum Feitum de herba, & omnes homines villa debent singuli dimidium acram metere.* *Cartular. Abbat. Glaston. MS. f. 40. a.*

**Felagus**, (*quasi fide cum eo ligatus*) A Companion, but particularly a Friend who was bound in the Decernary for the good Behaviour of another. So in *Legibus Inae, cap. 15.* 'tis said, if the Murderer could not be found, &c. the Parents of the Deceased should have six Marks, and the King forty; if he had no Parents, then the Lord should have it: *Et si dominium non haberet, Felagus ejus.*

So in *cap. 35.* where a Man hath Liberty to dispose his Arms by his last Will to his Heirs; and if he had none, then the Lord should have them, if no Lord, then *Felagus suus*, if he had any such, but if none, then to the King. See *LL. W. per H. Hunt. MS. fol. 199. a.*

**Feld** is a Saxon Word, and signifies a Field, and therefore, *Feld Cyric* is a Country-Church, *Feld Huse* is a Tent: In its Compound it signifies Wild, as *Feld Huning* is wild Honey, *Feld Mynt*, is wild Mint, &c.

**Felse Homages**, i. e. faithful Subjects, from the Sax. *Fay, i. e. Fides.*

**Felo de le** is he that commits Felony by murdering himself. See *Crom. Justice of P. fol. 28.* and *Lamb. Eiren. lib. 2. cap. 7.* The Saxons called him *Self-bana*, *Self-bane*.

**Felony**,



**Felony**, *Felonia*, Seemeth to come of the French *Felonie*, (i.) *impetuofitas*. *Felonia*, faith *Hottoman*, *de verbis feudatilibus*, non contumaciam vassalli in Dominum, huiusmodi in Vassallum perfidiam significat, verum quodvis capitale facinus. And again, *Felonia* Gothis & Longobardis dicitur quod Germanis hodie Schelmarey, Latinis Scelus. Sir *Edward Coke* says, Ideo dicta est *felonia*, quia fieri debet felleo animo. lib. 4. f. 124. *Hoftiensis* in sua summa, Tit. de Feudis, and others write of it thus, Est culpa vel injuria propter quam Vassallus amittit feudum, &c. But we account any Offence *Felony*, that is in Degree next *Petit Treason*, and compriseth divers Particulars, as Murder, Theft, killing of a Man's Self, Sodomy, Rape, wilful burning of Houses, and such like, which are to be collected out of the Statutes, which have made many Offences *Felony* that before were not. *Felony* is differenced from lighter Offences in this, that the Punishment thereof is Death, yet not in all Cases: For *Petit Larceny*, which is the Stealing of any Thing under the Value of twelve Pence, is *Felony*, as appeareth by *Broke* Tit. Coron. num. 2. his reason is, because the Indictment against such a one must have these Words, *Felonice Cepit*; and yet this is not punished by Death, though it be Loss of Goods. Any other Exception I know not, but that a Man may call that *Felony*, which is under *Petit Treason*, and punished by Death. Before the Reign of *H. 1.* *Felonies* were punished by pecuniary Fines; but he was the first that ordered *Felons* to be hang'd, viz. about the Year 1108. Of *Felonies* there may be reckoned two Sorts, one lighter, that for the first Time may have the Benefit of the Clergy, another that may not. And these you may learn to know from the Statutes; for Clergy is allowed, where it is not expressly taken away. Of this read *Staundf. pl. cor. lib. 1.* from the End of the second Chapter to the thirty-ninth, and the Statutes. See also *Lambard's Justice of Peace*, lib. 2. cap. 7. in a Table drawn for that Purpose. And also lib. 4. cap. 4. pag. 404. And *Crompt. Justice of Peace*, fol. 32, &c. *Felony* is also punished by Loss of Lands not entailed, and Goods and Chattels as well real as personal; and yet by the 37 H. 8. cap. 6. a Difference is made in some Cases touching Land. This Offence ordinarily worketh Corruption of Blood, unless expressly provided against by Statute, as 39 Eliz. cap. 17. How many ways *Felony* may be committed, see *Termes de la Ley*, p. 357, 358. and *Spelm. Glossary*, and Mr. *Kennet's Glossary*, in *Felonia*.

**Feltrum**, A Courfe Hat, a Felt. See *Filtrum*.  
**Feme-Covert** Is a married Woman, who is also said to be under *Covert-Baron*, 27 Eliz. 3.

**Femella**, i. e. a Woman. 'Tis mentioned in *Fleta*, lib. 2. c. 1. p. 17. *De Femellis nubilibus maritos competentes refutantibus*, &c.

**Fence-month**, *Menfis vetitus*, Is a Month wherein it is unlawful to hunt in the Forest, because in that Time the Female Deer do fawn. It being always fifteen Days before *Midsummer*, according to the Charter of the Forest, viz. In initio quindecim dierum ante festum Sancti Johannis Baptistæ, quando Agistatores nostri conveniunt pro feccatione bestiarum nostrarum; and it doth end fifteen Days after *Midsummer*, which is upon St. Cyril's Day: And here observe, That every common Month is but twenty-eight Days, but the *Fence-month* is thirty-one Days, *Affisa Forestæ de Pickering*, fol. 20. Serjeant *Fleetwood* in his Collection of

the *Forest-Laws*, fol. 5. saith, That the *Fence-month* hath always been kept with Watch and Ward in every Bailiwick through the whole Forest since the Time of *Canutus*. *Manwood's Forest-Laws*, c. 23. and 20 Car. 2. c. 3. Some ancient Foresters do call this Month, *The Defence-month*, because then the Deer are to be defended from Scare or Fear. There are also certain *Defence-months*, or Seasons for Fish, as appears by *Westm. 2. cap. 47.* 13 E. 1. in these Words, *All Waters where Salmons be taken shall be in Defence for taking of Salmons from the Nativity of our Lady, unto St. Martin's Day, and likewise that young Salmons shall not be taken nor destroyed by Nets, &c. from the midst of April, to the Nativity of St. John Baptist.* See also 13 R. 2. Stat. 1. c. 19.

**Fenneld**, A Tax or Imposition exacted for the Repelling of Enemies. *MS. Antiq.* See *Flint-wit*.

**Feod**, The Learned Sir *Henry Spelman* gives this Definition: A *Feud* is a Right which the Vassal hath in Land, or some immoveable Thing of his Lord's to use the same, and take the Profits thereof hereditarily: Rendering unto his Lord such feudal Duties and Services as belong to military Tenure, the meer Propriety of the Soil always remaining unto the Lord. *Spelman of Feuds and Tenures*, c. 1.

**Feodal**, *Feodalis vel feodalis*, Of or belonging to the Fee, Fee-farm, or Fee-simple. *An. 12 Car. 2. cap. 24.*

**Feodalitas**, Feodality or Fideliry paid to the Lord by his feudal Tenant. — fecit feodalitatem suam, prout decet, dicto Domino. *Cartular. Radings. MS.*

**Feodary**, *Feudary* or *Feudatory*, *Feudatarius*, Was an Officer in the Court of Wards, appointed by the Master of that Court, by Virtue of the Statute 32 H. 8. cap. 46. to be present with the Escheator in every County at the finding of Offices, and to give in Evidence for the King as well for the Value as the Tenure: His Office also was to Survey the Lands of the Ward after the Office found, and to return the true Value thereof into Court; to assign Dower unto the King's Widow, to receive all the Rents of the Wards Lands within his Circuit, and to answer them to the Receiver of the Court. This Officer is mentioned 32 H. 8. cap. 46. and is wholly taken away by 12 Car. 2. cap. 24. And in some ancient Writings it appears, that Noblemen had their particular *Feodaries*. *Humphrey Count de Stafford & de Perch Seigneur de Tambridge & de Carz, a nostre Feodier en le Counte de Warwick, &c. Sackes que nous, &c.* Dat. 17 H. 6. See Mr. *Kennet's Glossary*, in the Word *Feodary*.

**Feodary**, The Tenant who held his Estate by feudal Service. These Grantees to whom Lands in Feud or Fee were granted from a Superior Lord, were called generally in our Latin Characters, *Homines*, Men or *Homagers*, and in some other Writings are termed *Vassals*, *Feuds*, and *Feudatories*. At the first Institution of *Beneficia*, or *Fees*, (as they were afterwards called) they were revocable at the Will of the Lord, Patron, or Donor, when he pleased. Afterward they were granted for a Year, and then for the Life of the *Feudatory* or *Vassal*, then in Process of Time they became successive to the Heirs Male, and by Degrees hereditary to the Female. See Dr. *Brady* in his *Glossary*, p. 39.

*Feoditas* for *Fidelitas*, i. e. *Fealty*. 'Tis mentioned in *Thorn*, Anno 1281. *Facit ei redditum, relevium, Feoditatem, sectam Curie, &c.*

*Feodum Militis* seu *Militare*. A Knight's Fee, which by vulgar Computation contained Four hundred and eighty Acres, as Twenty-four Acres made a Virgate, four Virgates a Hide, and five Hides one Knight's Fee, for which the common Relief paid to the King or other Lord was One hundred Shillings. Yet no doubt, the Measure was uncertain, and differed with Times and Places See Mr. *Kennet's Glossary*.

*Feodum Laicum*, A Lay-Fee, or Land held in Fee, from a Lay-Lord by the common Services to which military Tenure was subjected; in Opposition to the Ecclesiastical holding in *Frank-al-moigne* discharged from those Burdens. See Mr. *Kennet's Glossary*.

*De feoffamento veteri a nobis*, These Phrases began in the Reign of *Hen. II.* when those Knights or military Tenants who had been enfeoffed in any Fees or Parts of a Fee at or before the Death of King *Henry I.* were said *tenere feoda de veteri Feoffamento*. But those, who had been enfeoffed in their Lands after the Death of the said King, were said *tenere de novo Feoffamento*.

*Feoffment*, *Feoffamentum*, By the Opinion of Sir *Thomas Smith de Repub. Anglor. lib. 3. cap. 8.* and *West. part. 1. Symb. lib. 2. sect. 280.* is descended from the Gothic Word *Feudum*, which we interpret *Fee*, and signifieth *donationem feudi*: But (as the same *West* addeth) it signifieth in our Common Law any Gift or Grant of any Honours, Castles, Manors, Messuages, Lands or other corporeal and immoveable Things of like Nature unto another in Fee-simple, that is, to him and his Heirs for ever, by the Delivery of Seisin, and the Possession of the Thing given, whether the Gift be made by Deed or Writing: And when it is in Writing, it is called a *Deed of Feoffment*, and in every *Feoffment* the Giver is called the *Feoffor*, *Feoffator*, and he that receiveth by Virtue of the same, *Feoffee*, *Feoffatus*. And *Littleton* saith, That the proper Difference between a *Feoffor* and a Donor is, that the *Feoffor* giveth in Fee-simple, and the Donor in in Fee-tail. *Lib. 1. c. 6.* It is the ancient and most necessary Conveyance, because solemn and publick; and also because it cleareth all Disfeins, Abatements, Intrusions, and other defeasible Estates, where the Entry of the *Feoffor* is lawful, which neither Fine, Recovery, nor Bargain or Sale by Deed indented and inrolled doth. *Ephron* enfeoffed *Abraham*, *Gen. 23.* See *Co. on Lit. lib. 1. cap. 1. sect. 1.*

*Feoffor* and *Feoffet*, *Feoffor*, is he that infeoffs, or makes a *Feoffment* to another of Lands or Tenements in Fee-simple. And *Feoffee* is he that is infeoffed, or to whom the *Feoffment* is so made.

*Feorm*, Among our Saxon Ancestors, those who held the Outlands of the Lord or Thane, as customary Tenants, rendred unto him a certain Portion of Victuals and Things necessary for Humane Life. This Rent or Retribution they called *Feorm*, which Word in the Saxon, signified any Meat or Victuals. And though we have ever since *Hen. II.* Time, changed this Reservation of Victuals into Money, yet in letting our Lands, we still retain the Name of *Farms* and *Farmers*. See *Spelman of Feuds*, chap. 7.

*Ferowendel* a Quarter of an Acre, *Medietatem unius Feorwendel terra in eadem villa, & alteram medietatem quam Augerus tenet.* From the Sax. *Fearth, quartus.* Mon. 2 Tom. p. 93.

*Fera Regalis*, i. e. a Stag. *Est autem Staggu ceruus cujus venatio regalis dicitur.*

*Pescebatque feram, puroque in fonte lavabat.*

Virgil. *Æn. 8.*

*FerdeUa terræ* Is ten Acres. See *Virgata* and *Fardel*.

*Ferdendel*. See *Farding-deal*.

*Ferdfare* (from the Sax. *Fyrd, exercitus*, and *Fare, iter*.) Significat *quietantiam eundi in Exercitum.* *Fleta, lib. 1. cap. 47.* — *Et sint quieti de Fiftwite, Flehtwite, & Ferdwite, & Hengewite, & Leirwite, &c. Charta 11 H. 3. m. 33.* See *Firdfare*.

*Ferdingel*, the fourth Part of a Yard-land, i. e. five Acres, or a fourth Part of a Plough-land. *Huius manerio pertinet consuetudo ista de Ferdingel 30 denar.* Du Cange.

*Ferdwit* Significat *quietantiam murdri in exercitu.* *Fleta, lib. 1. cap. 47.* that is, to be quit of Murder committed in the Army, & sint quieti de Fiftwite, Flehtwite, & Ferdwite, & Hengewite, & Leirwite, &c. *Charta, 11 H. 3. m. 33.*

*Ferdwite* was indeed a Fine or Mulst imposed for not going forth in a military Expedition, to which Duty all Persons who held Land, were in Necessity obliged. And therefore a Neglect or Omission of this common Service to the Publick was punished with a pecuniary Mulst of 120 s. called the *Ferdwite*; which Penalty was remitted, and Immunity from it granted by several Charters.

*Ferdwurth*, alias *Fredwurth*, quasi *Firdworth*: A Man of that Age, that he might go into the Army: From the Sax. *Fird, exercitus*, and *worth, dignus.* See *Faldwerth*.

*Feretrum*, a Coffin: *Amici extrahunt mortuum deferentes in Feretrum.* *Leg. H. 1. cap. 36.*

*Feria secunda*, Monday, or the second Day of the Week. *Feria tertia*, Tuesday, and so on to *Feria sexta*, Saturday. Hence the Week-Days, as distinguished from Sunday, the Profane from the Sacred, were called *Dies FERIALES*, as in this Charter. — *Nos Willielmus Prior Ecclesie Elyen' & Cono.* — *Concessimus Johanni Downham Capellano Scholam nostram Grammaticalem* — *sub hac conditione* — *ut celebrabit per tres dies feriales in capella Ellemosynaria nostra, & per alios tres dies feriales in capella S. Mariae, diebus vero dominicis ubicunque voluerit celebrabit.* — *Dat. 28. Mart. A. D. 1448.* — *Ex Cartular. Eccl. Elyensis. MS. penes Joh. Episc. Norwic. f. 36.*

*Feri*, A Fair, at first occasioned by the Resort of People to the Feast of Dedication, and therefore in most Places the Fairs (by old Custom, not by later Grants) are on the same Day with the Wake, or Festival of that Saint to whom the Church was dedicated, and for the same Reason kept in the Church-yard, till by Authority restrained. See Mr. *Kennet's Glossary*, in *Feria*.

*Feria*, Furz, Sax. *fyrz.* — *Item diximus per sacramentum quod non vidimus tempore Henrici & Richardi quondam Regum Anglie, quod aliquis redderet decimas de feriis aut degenestis aut de fofsis ubi prius fuerint demandate.* — *Conventio facta apud Rhotomagum inter Clerum & Barones, A. D. 1205.*

*Fe-*

**Ferial Days**, (*Dies FERIALES*) *Feria*, (according to the Latin Dictionary) signifies Holy-days, or Days vacant from Labour and Pleading: But in the Stat. 27 H. 6. c. 5. and in *Fortesc. de laudibus LL. Anglie*, *Ferial-days* are taken for Working Days; for S. Silvester obtained, ——— *Sabbati & Dominici dies nomine retento, reliquos hebdomade dies feriarum nomine distinctos, ut jam ante in Ecclesia vocari ceperant, appellari*. So that *Ferial-Days* are properly all the Days of the Week, except Saturday and Sunday.

**Ferling**, *Ferlingus*, The fourth Part of a Penny, *Quadrans*. Quando quarterium frumenti venditur pro 12. denar. tunc panis Wastelli de Ferlingis ponderabit 5. lib. & 16. Sol. Affis. panis & cervis. 51 H. 3. Camden in his Brit. Tit. Huntingdon says, There were in this Borough four *Ferlings*, that is, Quarters of Wards.

**Ferlingata terræ**, and *Ferlingus*, the fourth Part of a Yard-Land. *Decem acra faciunt unam Ferlingatam, 4 Firlingatæ virgatam, 4 Virgate hidam, & 5 Hide feodum militare*. Etc. 12 E. 2. n. 18 Ebor. In ancient Records is used both *Ferlingus & Ferdingus terre*. See *Mon. Ang. 2. par. fol. 8*. My Lord Coke tells us that *Ferdingus terre* is the same as a Quarentine of Land, and that it contains thirty-two Acres. But I find a Quarentine is no more than forty Perches, which is but one Acre. — *Du Cange*.

**Ferm** or *Farm*, *Firma*, Cometh of the French *Ferme*, *predium*, and signifieth with us House or Land, or both, taken either by Indenture of Lease, or Lease-parol. This in the North Parts is called a *Tack*, in Lancashire a *Form-bolt*, in Essex a *Wike*. We may conjecture, that both the French and English Word came from the Latin *firmus*; for I find *locare ad firmum* to signify with others as much as to let or let to *Farm* with us; the Reason whereof may be in respect of the sure Hold they have beyond Tenants at Will. Vide *Vocabul. utriusque juris, verbo Affisus*. In the Terms of the Law it is derived from the Saxon *Feorman*, which signifieth to feed or yield Viſual. For in ancient Time the Reservations were as well in Viſuals as Money: How many ways *Farm* is taken, see *Plowden, fol. 195*. *Wriothefley's Case*. See *Feorm*.

**Fermary**, an Hospital: Friars of the *Fermay*: From the Sax. *Feorme, Viſus*.

**Fermeholi**. See *Wyke*.

**Fermifona**, (from the Sax. *Feorme*, i. e. Food, or Feeding,) the Winter Season of Deer, as *Tempus Pinguedinis* is the Summer Season. *Quod item Hugo & heredes sui de cetero quolibet anno possunt capere in predicto Parco (de Blorc) unam damam in Fermifona inter Festum Sancti Martini & Purif. Beate Marie, & unum damum in Pinguedine inter Festum Sancte Crucis in Mayo & Festum S. Crucis in Septembr. imperpetuum: Ita quod qualemunque bestiam tempore Pinguedinis vel Fermifonæ herfaverint, vel curi predictis canibus ceperint, illa bestia eis remanebit; & si sit in Fermifona allocabitur eis pro dama, & si sit in Pinguedine, allocabitur eis pro damo, &c.* Fin. Concor. in Curia Dom. Regis apud Litchfield coram Roger. de Turkilby, &c. inter Hugonem de Acovre quer. & Wil. de Aldethley Deforc. Penes Will. Dugdale, Mil. See *Tempus Pinguedinis*.

**Rex** — dilecto Ric. Cassel custodi Manerii de Bruckwyk salutem. Cum mittamus dilectum Valletum nostrum Johannem de Fulham ad instantem Fermifonam in Parcibus nostris ibidem, prout vobis & sibi melius ad opus nostrum fore videritis faciend.

capiend. Vobis mandamus, &c. Claus. 30 Ed. 1. m. 18.

**Fernigo**, A waste Place where Fern grows — *Retentis Abbati Glastoniae & ejusdem loci Conventui piscaria de fernigine & toto arundineto ejusdem manerii*. — Cartular. Abbat. Glaston. MS. fol. 536.

**Ferramentum**. Dedi autem potestatem dicto P. quod possit predictum W. & heredes suos, vel quemcumque qui dictum molendinum tenuerit per Ferramenta dicti molendini, & per omnia averia sua, & per terras & tenementa pro predicto redditu distringere, &c. Charta Gilb. Talbot Mil. sine dat. By Ferramenta are here meant the Iron Tools or Instruments of the Mill. Et reparare Ferramenta ad tres Caru'as, i. e. The Iron Work of three Ploughs. Lib. niger Heref.

**ferrandus**, An Iron Colour attributed to Horses, which we still call an Iron Grey. — *Ecce puer de foro veniens quæsit cuiusmodi equum haberet ille Archidiaconi client, & cum audiret ferrandum, dixit se quendam talem equitatum vidisse*. Girald. Camb. apud Whartoni Angl. Sacr. P. 2. pag. 494.

**ferruere**, The shoeing of Horses. See *Bouche of Court*.

**Fercher**, A Fare or Fare-scot, The customary Payment for a Passage over a River, or crossing a Ferry in a Ferry-Boat with Faring-Men, or Feres, or Passengers.

**Ferspeken**, To speak suddenly. *Nemo potest de feudo Domini sui placitare sine eo, nec cogi debet rectum ejus ferspeken, (i. e. to speak suddenly,) nec ferspillam, (i. e. to give a hasty Account,) de omnibus causis communibus vel emendabilibus implacitetur aliquis, si petierit debet habere terminum requirendi & habendi Dominum suum*. Leg. H. 1. c. 61.

**Festa in Cappis** Were some chief Holidays, in which the whole Choir wore Caps. In Festis quæ in Cappis sunt & maxime præcipuis. Vitæ Abbat. S. Alban. p. 80, 83.

**Festingmen**, Ut illud Monasterium sit liberatum ab illis incommotis, quæ nos Saxonica lingua Festingmen dicimus. Mon. Ang. 1. par. fol. 123. a.

The Saxon *Festennon* signifies *Fidejussor*, a Pledge; so that to be free of *Festingmen*, in all Probability is to be free of *Frank-Pledge*, and not to be bound for any Man's forth-coming, who should transgress the Law.

**Festing-Penny**, Earnest given to Servants when hired or retained, is so called in some Northern Parts of England, and in others it is termed *Arles Penny*, from the Saxon *Festnian*, to fasten or confirm.

**Festum** Properly signifies a Feast, but it is usually taken for a General Court which was formerly kept on the great Festivals in the Year. Thus we read in our Historians, that in such a Year the King kept his Christmas at Winchester, &c. that is, he kept a Court there at that Time, viz. Rex apud Winton maximum Festum & Convivium celebravit, tempore Natalis Domini, convocatis ibidem Principibus & Baronibus totius Regni.

**Festum S. Michaelis** Is that Day in which the Christians fought with the Infidels, and obtained a Victory by the Help of St. Michael, now called *Michaelmas-Day*.

**Festum natiuitatis B. Mariæ** Was thus instituted, viz. A melancholy Man, who led an holy Life, did every Year hear the melodious Harmony of Angels in Heaven: At which being wonderfully surprized, and being one Day very ear-

nest in Prayer, an Angel told him that on that Day the Virgin Mary was born; and because the Day of her Birth was not known on Earth, therefore it was celebrated by the Angels. This being told to the Church, that Day was afterwards set apart to commemorate her Birth. *Hor. Augustud. Lib. 3. cap. 16.*

**Feud**, or **Feed**, (*Feida*, alias *Faida*.) signifies in the German Tongue *Guerram*, i. e. *Bellum*. Lambard writes it *Feeth*, and saith it signifies *Capitales inimicitias*. Feud is used in Scotland, and the North of England, for a Combination of Kindred to Revenge the Death of any of their Blood against the Killer, and all his Race, or any other great Enemy. See *Skene, verbo Affidatio*, and 43 *El. cap. 13.*

**Feudal**. See *Feodal*.

**Feudary**. See *Feodary*.

**Feudbote** Is a Recompence for engaging in a Feud or Faction, and the contingent Damages; it having been the Custom of ancient Times, for all the Kindred to engage in the Kinsman's Quarrel; according to that of *Tacitus, De moribus Germanorum, suscipere tam inimicitias seu patris, seu propinqui, quam amicitias necesse est.*

**Feugera**. *Inter antiquas consuetudines Abbatia de Sancto Edmundo. — Tota pastura brueria de Herdwyk pertinet ad Cellerarium, ut nullus possit ibidem pascere neque aliud quid facere aliquo tempore anni sine licentia Cellerarii, prater feugeram brueri qua pertinet ad tenentes de Herdwyke. Cartular. Edmundi MS. f. 328.*

**Feugierium**, and **Fugerium**, (from the Fr. *Fougier*, i. e. *Fern*.) *Et de omnimodo Aisamento Bruerii, Quarrerii, Turbarii, Funcii, & Feugerii ad domos suas cooperiendas, &c. Mon. Angl. 2 Part. fol. 610. b. Common of Feuger, i. e. Fern, for one's Use. See Fugerium.*

**Fictale**, **Fildale** and **Filkdale**. *Bratton, lib. 3. fol. 117. A Computation or Entertainment made for Gain by Bailiffs to those of their Hundreds, or rather according to Co. 4. Inst. fol. 307. An Extortion colore computationis. See Scotale.*

**Fidwita**, a Sort of Payment anciently used in England; but of how much *non constat. Et nolo ut aliqua Fightwita vel Mambota condonatur. Leg. Edm. cap. 3.*

**fidem mentiri**, i. e. when a Tenant doth not keep that Fealty which he hath sworn to the Lord. *Galf. Monmouth, lib. 8. cap. 2. Huntingdon, pag. 390. Leg. H. 1. cap. 53.*

**fieri facias** Is a Writ Judicial, that lieth at all Times within the Year and Day, for him that hath recovered in an Action of Debt or Damages, to the Sheriff, to command him to levy the Debt or the Damages of his Goods against whom the Recovery was had. This Writ had Beginning from *Westm. 2. c. 18. Anno 13 E. 1. See Old Nat. Brev. f. 152. See also great Diversity thereof in the Table of the Register Judicial, verbo Fieri facias. See also Scire facias, and Title Execution.*

**fieria**, **Feria**, A Fair, In a Charter of *Alan de Creoun*, granted to the Monks of *Croyland. — Prater ea concedimus eis decimam denariorum de fiera nostra de Botulfston. — Petr. Blesen. Contin. Hist. Croyland, p. 126.*

**fiffeth**, — *Episcopus Heref. quietus est de Stretward, Hundredse, Wardse, Revingpein & Fiffeth & franco plegio. Butterfield's Survey, f. 246. Quere.*

**fiffuls**, a certain Measure of Corn; but of how much *non constat. Et in eisdem festivitatibus singulos Fuffuls de frumento ad wastellos de granario. Monast. 1 Tom. p. 149. Habere debent Monachi singulos Fuffuls de granario ad wastellos. Ibid.*

**fifteenth**, *Decima quinta*, Is a Tribute or Imposition of Money laid upon a City, Borough, or other Town, through the Realm; not by the Pole, or upon this or that Man, but in general upon the whole City or Town, and so called, because it amounted to a Fifteenth Part of that which the City or Town hath been valued at of old; or to a Fifteenth Part of every Man's Goods and personal Estate, according to a reasonable Valuation. This is now imposed by Parliament, and every Town through the Realm knoweth what a Fifteenth for themselves doth amount to, because it is perpetually the same. Whereas the Subsidy, which is raised of every particular Man's Lands or Goods, must needs be uncertain, because the Estate of several Men is uncertain. And in that regard, a Fifteenth seems to be a Rate anciently laid upon every Town, according to the Land or Circuit belonging to it: Whereof *Cambden* in his *Brit.* makes frequent Mention, particularly pag. 168. of Wells in *Somersetshire*, thus, *Quo tempore ut testatur censualis Anglie liber, Episcopus ipsum oppidum tenuit, quod pro quinquaginta bidis geldavit. And pag. 172. Of Bath, Geldabat pro viginti bidis, quando sciria geldabat. Thirdly, pag. 181. Old Sarum or Salisbury, pro quinquaginta bidis geldabat. And these Rates were taken out of Domesday-Book in the Exchequer. So that in old Time this seemed to be a yearly Tribute in Certainty; whereas now, though the Rate be certain, yet it is not levied but by Parliament. See *Tax* and *Quinzime*.*

**fightwite**, A Saxon Word, signifying a *Mult* of 120 Shillings, for making a Quarrel to the Disturbance of the Peace. So that *Fightwite* is truly *forisfactura pugna*, *Multa ob commissam pugnam in perturbationem pacis. In exercitu Regis 120 Sol. luebatur Fightwita, i. e. Forisfactura pugna. MS. Codex.*

**Filacer**, *Filazarius*, Possibly derived from the Latin *filum*, a Thread, is an Officer in the *Common Pleas* (so called) because he files those Writs whereupon he makes Process. There are Fourteen of them in their several Divisions and Counties, they make out all original Process, as well real as personal and mixt; and in Actions merely personal, where the Defendants be returned or summoned, there goeth out the Distress infinite until Appearance; if he be returned *Nihil*, there Process of *Capias* infinite, if the Plaintiff will; or after the third *Capias*, the Plaintiff may go to the *Exigent* of the Shire, where his Original is grounded, and have an *Exigent* or Proclamation made. Also the *Filacer* maketh all Sorts of Writs of View, in Causes where the View is pray'd; and upon all *Replevins* or *Recordare's*, Writs of *retorno habendo*, *Second Deliverance*, and *Withernam*. They enter all Appearances and special Bails upon any Process made by them. They make the first *Scire facias* upon special Bails; Writs of *Habeas Corpus*, *Disfringas Nuper vicecomitem vel Ballivum* and *Duces tecum*, and all *Superfedeas* upon special Bail, or otherwise; Writs of *Habeas corpus cum causa* upon the Sheriff's Return, that the Defendant is detained with other Actions; Writs of Adjournment of a Term, in case of Pestilence, War, or publick Disturbance, and (until



(until an Order of that Court made 14 *Jac.* which limited the *Filacers* to all Matters and Proceedings before Appearance, and the *Protonotaries* to all after) did enter Declarations, Imparlances, Judgments and Pleas, whereunto a Sergeant's Hand was not requisite; and made out Writs of Execution, and divers other Judicial Writs after Appearance. And in the *King's Bench* of later Times, there have been *Filacers* who make Process upon original Writs returnable in that Court, upon Actions *contra pacem*. The *Filacers* of the *Common Pleas* having been Officers of that Court before the Statute of 10 *H. 6. cap. 4.* wherein they are mentioned.

*Filacium*, The File or Thread upon which Writs or loose Papers are filed up together, to preserve them. — *Istud breve est in Filaciis Marefchalli.* Will. Thorn. Hence *Custodes Filaciorum*, or File-keepers in our Courts of Judicature, were called *Filacers*.

*Fildale*, *quasi*, Field-Ale: A Sort of Drinking in the Field by the Bailiffs of the Hundreds; for which they gathered Money of the Inhabitants of that Hundred. It was prohibited in the Days of *Bracton*, lib. 3. fol. 117. According to Sir Edward Coke's 4 *Inst.* fol. 307. an Extortion Colore *Compo-tationis*. The true Word is *Fild-ale*, *Quod Compo-tationem in Campis significat.* See *Scotale*.

*File*, *Filacium*, Is a Thread or Wire, whereon Writs and other Exhibits in Courts and Offices are filed, for the more safe Keeping of them. *File* also signifies Attaint; from the Sax. *Fylan*, *inquirare*.

*Filicetum*, and *Filicium*, a Ferny Ground. 1 *Inst.* fol. 4. b. *Ubi filices crescunt.*

*Filiolus* is properly a little Son, also a Godson. *Sciant — quod ego Johannes Lovet Miles Dominus de Elmley-Lovet, Dedi Waltero le Blount fratri meo, & Johanni Filio suo, Filiolo meo, quindecim solidos annui redditus, &c.* Sine dat. Here *Filiolus* is used for a Nephew; for Walter Blount married the Sister of this Sir John Lovet, unless John the Son were also Godson to Sir John. *Filiolus, quem de sacro fonte suscepit.* Dugd. Warwickshire. fol. 697.

*Filkale*. See *Sothale* and *Fistale*.

*Filtrum*, *Feltrum*, A Covering for the Head made of coarse Wool, not wove, but cottoned together; a Hat, a Felt. — *Archidiaconum ultimo venientem, ut mos habebat, ultimus ipsorum juvenis fil. uxoris Praepositi Frater, sub filtro pluviali ipsum attentius intuens, quasi statim nomine ipsius & audito, dixit ei, quod parumper expectaret, &c.* Giraldus Cambren. apud Wharron Angl. Sac. P. 2. pag. 394.

*Filum Aquæ* Is the Thread or Middle of the Stream, where a River parts two Lordships;

*Et habebunt istas buttas usque ad Filum Aquæ prædictæ.* Ex Reg. Priorat. de Wormley, f. 3. a. Vide etiam Mon. Angl. 1 par. f. 390. a. *Et de makemio factio in grossis navibus in medio alti Fili grossarum ripariarum, &c.* Rot. Pat. 4 H. 6. m. 11. par. 2. *Et totam illam partem memoris sui, quæ est inter Filum Aquæ de Ebroc. & Filum Aquæ de Tame.* Reg. de Leic. in Bibl. Cot. f. 2. *Et Pla. Cor. Mich. 18 E. 1. Rot. 56. Haut file du Mer;* the high Tide of the Sea. Rot. Parl. 11 H. 4. n. 61. — *Quoddam fustatum quondam fuit jacens inter manerium prædicti Abbatis de Andredesey, & filum aquæ usque ad pontum de Bledeneburgh.* Ex Cartular. Abbat. Glaston. MS. f. 88. b.

*Fimitium*, (i. e. *Tempus quo agri fimantur.*) 'Tis mentioned in the *Monasticon*, 1 Tom. pa. 256.

*Percepit Prior 4 acras frumenti & 5 avena in Culturis post Fimitium, ex liberatione servientis.*

*Fimolare*, (i. e. *Fimare.*) *Terra Sabulosa Fimo puro non Fimoretur.* Fleta, lib. 2. c. 76. par. 3.

*Finary*. See *Blomary*.

*Finders*, 18 E. 3. Stat. 1. and 14 R. 2. c. 10. Seem to be all one with those whom now we call *Searchers*. See 17 R. 2. cap. 5. 1 H. 4. 13. and 31 H. 6. c. 5. They are employ'd for the Discovery of Goods imported or exported, without paying Custom.

*Finis*, *Finis*, Hath divers Applications in the Common Law, sometimes being used for a formal or ceremonious Conveyance of Lands or Tenements: Or as *West* saith, Tit. *Fines*, sect. 25. of any Thing inheritable, being in *esse tempore finis*, to the End to cut off all Controversies. The same *West* in his 2 par. *Symbol. sect. 1.* thus defines it, To be a Covenant made before Justices, and entred of Record. But *Glanville* more nobly thus, lib. 8. cap. 1. *Finis est amicalis compositio & finalis concordia ex consensu & licentia Domini Regis vel justiciariorum.* And lib. 9. cap. 3. *Talis concordia finalis dicitur, eo quod finem imponit negotio, adeo ut neutra pars litigantium ab eo de cætero poterit recedere.* And *Bracton*, lib. 5. cap. 28. num. 7. thus, *Finis ideo dicitur finalis concordia, quia imponit finem litibus & est exceptio peremptoria.* The Author of the *New Terms of the Law* defineth it to be a *final* Agreement, had between Persons concerning any Lands or Rent, or other Things whereof any Suit or Writ is between them hanging in any Court. See the *New Book of Entries*, verbo *Fines*, and 27 E. 1. Stat. 1. cap. 1. This *Fine* is of so high a Nature, that *Bracton*, lib. cap. 7. num. 3. saith of it thus, *Item immediate pertinet ad Regem quærela finis facti in curia Domini Regis & non obstruati, & est ratio, quia nemo potest finem interpretare nisi ipsi Rex, in cujus curia fines fiunt.* The *Civilians* would call this solemn Contract, *Transactio-nem judicalem de re immobili*, because it hath all the Properties of a Transaction, if it be considered in the original Use. *Wesemb. parat. Tit. de Transact.* For it appeareth by the Writers of the Common Law before recited, that it is nothing but a Composition or Concord acknowledged, and recorded before a competent Judge, touching some Hereditament, or Thing immoveable, that before was in Controversy between the Parties to the same Concord: And that for the better Credit of the Transaction, being, by Imputation, made in the Presence of the King, because it is levied in his Court; and therefore doth it bind Women covert being Parties, and others, whom ordinarily the Law disableth to transact, only for this Reason, that all Presumption of Deceit or evil Meaning is excluded, where the King and his Court of Justice are supposed to be privy to the Act. Originally the Use of this *final* Concord was instituted and allowed, in regard that by the Law, and ancient Proceedings, no Plaintiff (giving real Security *de clamore suo prosequendo*,) could agree without Licence of the Court: So as *Fines* have been anciently levied in personal Actions, and for no greater a Sum of Money than 11 l. But Subtilty of Wit and Reason hath in Time wrought other Uses of this Concord, which in the Beginning was but one, viz. to secure the Title that any Man hath in his Possession against all Men; to cut off Entails, and with more Certainty to pass the Interest or Title of any Land or Tenement, though not controverted, to whom

we think good, either for Years or in Fee: Inasmuch, that the Passing of a *Fine*, in some Cases, now is but *mera fictio Juris*, alluding to the Use for which it was invented; and supposing a Doubt or Controversy, where in Truth none is; and so not only to work a present Prescription against the Parties to the Concord or *Fine*, and their Heirs, but within five Years against all others, not expressly excepted (if it be levied upon good Consideration, and without Covin) as Women covert, Persons under one and twenty Years of Age, Prisoners, or such as be out of the Realm at the Time when it was acknowledged. Touching this Matter, see the Statutes, 1 R. 3. cap. 7. 4 H. 7. cap. 24. 32 H. 8. 36. and 31 El. 1. This *Fine* hath in it five essential Parts; 1. The Original Writ taken out against the Conusor. 2. The King's Licence, giving the Parties Liberty to accord, for which he hath a *Fine* called *The King's Silver*, being accounted a Part of the Revenue of the Crown. 3. The Concord it self which thus beginneth, *Et est concordia talis, &c.* 4. The Note of the *Fine*, which is an Abstract of the Original Concord, and beginneth in this Manner, *sc. Inter R. Querentem & S. & E. uxorem ejus deservientes, &c.* (where instead of *Deservientes*, anciently *Impedientes* was used.) 5. The Foot of the *Fine*, which beginneth thus, *Hac est finalis concordia facta in curia Domini Regis, apud Westm. a die Pasche in quindecim dies, anno, &c.* So as the Foot of the *Fine* includeth all containing the Day, Year, and Place, and before what Justice the Concord was made. Co. vol. 6. fol. 38, 39. *Teye's Case*. This *Fine* is either *single* or *double*. A *single Fine* is that by which nothing is granted or rendred back again by the Conusees to the Conusors, or any of them. A *double Fine* containeth a Grant or Render back again, either of some Rent, Common, or other Thing out of the Land, or of the Land it self to all, or some of the Conusors for some Estate, limiting thereby many Times Remainders to Strangers, which be not named in the Writ of Covenant. *West. ubi supra, sect. 21.* Again a *Fine* is of the Effect divided into a *Fine executed*, and a *Fine executory*. A *Fine executed* is such a *Fine*, as of its own Force giveth a present Possession (at the least in Law) unto the Conusee, so that he needeth no Writ of *Habere facias seisinam* for the Execution of the same, but may enter; of which Sort is a *Fine Sur cognizance de droit come ceo qui il ad de son done*, that is upon Acknowledgment that the Thing mentioned in the Concord be *Fus ipsius Cognizati ut illa qua idem habet de dono Cognitoris*. *West. sect. 51.* And the Reason of this seemeth to be, because this *Fine* passeth by way of Release of that Thing, which the Conusee hath already (at least by Supposition) by Virtue of a former Gift of the Conusor. Co. Rep. lib. 3. fol. 89. *Case of Fines*, which is in very Deed the surest *Fine* of all. *Fines executory* are such as of their own Force do not execute the Possession in the Conusees, as *Fines sur Conusance de droit tantum*, *Fines sur dones*, Grant, Release, Confirmation, or Render; for if such *Fines* be not levied, or such Render made unto them that be in Possession at the Time of the *Fines* levied, the Conusees must needs sue Writs of *Habere facias seisinam*, according to their several Cases, for the Obtaining of their Possessions except at the Levying such executory *Fines*, the Parties unto whom the Estate is by them limited, be in Possession of the Lands passed thereby: For in this Case such *Fines* do enure by way of

Extinguishment of Right, not altering the Estate of Possession of the Conusee, but perchance bettering it. *West, ubi supra, sect. 20.* Touching the Form of these *Fines*, we must consider, upon what Writ or Action the Concord is to be made, and that is most commonly upon a Writ of Covenant; and then first there must pass a Pair of Indentures between the Conusor and Conusee, whereby the Conusor covenanteth with the Conusee, to pass a *Fine* unto him of such or such Things, by a Day set down: And these Indentures, as they are first in this Proceeding, so they are said to lead the *Fine*; upon this Covenant, the Writ of Covenant is brought by the Conusee against the Conusor, who hereupon yieldeth to pass the *Fine* before a Judge; and so the Acknowledgment being recorded, the Conusor and his Heirs, are presently concluded, and all Strangers not excepted, after five Years once passed. If the Writ whereupon the *Fine* is grounded be not a Writ of Covenant, but of *Warrantia Charta*, or Writ of Right, or a Writ of Mesne, or a Writ of Customs and Services; for all these *Fines* may also be found, *West (ubi supra, sect. 23.)* then this Form is observed, the Writ is served upon the Party that is to acknowledge the *Fine*, and then he appearing, doth accordingly. See *Dyer, fol. 179. num. 46.* *Fines* are now only levied in the Court of Common Pleas at Westminster, in regard of the Solemnity thereof, ordained by the Statute of 18 E. 1. Before which Time they were sometimes levied in the County-Courts, Court-Barons, and in the Exchequer, as may be seen in *Origines Juridicales & alibi*. *Plowden* says there were *Fines* levied before the Conquest: *Fulbec* says he has seen the Exemplification of one of *Henry the First's Time*; *Dugdale*, none till *Henry the Second*. See *Impedients*. This Word *Fine*, sometimes also signifieth a Sum of Money paid for an Income to Lands or Teneaments let by Lease, anciently called *Gersuma*; sometimes an Amends, pecuniary Punishment or Recompence upon an Offence committed against the King and his Laws, or against the Lord of a Manor: In which Case a Man is said *Finem facere de transgressione cum Rege, &c.* Reg. Jud. f. 25. a. And of the Diversity of these *Fines*, with other Matter worth the Learning, see *Crompton's Justice of Peace, fol. 141, 143, 144.* and *Lambard's Eiren. lib. 4. cap. 16. pag. 555.* But in all these Diversities of Uses it hath but one Signification, and that is a final Conclusion, or End of Differences between Parties. And in this last Sense, wherein it is used for the Ending and Remission of an Offence, *Brañon* hath it, lib. 2. cap. 15. num. 8. speaking of a common *Fine*, that the County payeth to the King for false Judgments, or other Trespases to be assessed by the Justices in *Eire* before their Departure, by the Oath of Knights, and other good Men, upon such as ought to pay it, with whom agreeth the Statute 5 E. 1. c. 18. There is also a *Common Fine* in Lects. See *Kitchin, f. 13.* Vide *Common Fine. Fleta, lib. 1. c. 48.* and *Co. on Lit. f. 126.*

*Fine annullando levato de Tenemento quod fuit de antiquo dominio.* Is a Writ to the Justices, for the *disannulling* of a *Fine*, levied of Lands holden in ancient Demesne to the Prejudice of the Lord. *Regist. Orig. fol. 15.*

*Fine capiendus pro terris, &c.* Is a Writ lying for one that, upon Conviction by a Jury, having his Lands and Goods taken into the King's Hands, and his Body committed to Prison, obtaineth

Favour for a Sum of Money, &c. to be remitted his Imprisonment, and his Lands and Goods to be redelivered unto him. *Reg. Orig. fol. 142.*

*Fine* *Force* Cometh of the French Adjective *Fin*, signifying sometimes Crafty, sometimes artificial or exact, and the Substantive *Force*, in Latin *Vis*; so that it signifies an absolute Necessity or Constraint not avoidable; as when a Man is constrained to do that which he can no way avoid, we say, He doth it *de fine force*; and in this Sense it is used, *Old Nat. Brev. f. 78.* and in the Statute 35 H. 8. c. 12. and in *Perkins, Dover 321.* In *Mantell and Woodland's Case. Plow. f. 94.* And in *Eyton's Case*, cited in *Forley's Case. Co. 6. Rep. fol. 111.*

*Fine levando de Tenementis tentis de Rege in Capite*, &c. Is a Writ directed to the Justices of the Common Pleas, whereby to licence them to admit of a *Fine* for Sale of Lands held *in Capite*. *Reg. Orig. fol. 167.*

*Fineui facere*, i. e. To compound, or make Satisfaction for a Crime. 'Tis mentioned in *Leg. H. 1. c. 53.* in *Mat. Paris. p. 586.* and in *Walsingham, p. 180.*

*Fine non cavendo vno pulchre placitando*, Is a Writ to inhibit Officers of Courts to take *Fines* for fair Pleading. *Reg. Orig. fol. 179.* See *Pheder.*

*Fine pro rediffessu capienda*, &c. Is a Writ that lieth for the Release of one laid in Prison for *Rediffessu*, upon a reasonable *Fine*. *Reg. Orig. fol. 222.*

*Fines* for Alienation are reasonable *Fines* paid to the King by his Tenants in chief, for Licence to alien their Lands according to the Stat. 1 E. 3. cap. 112. But see the Statute lately made. 12 Car. 2. cap. 24.

*Fines pro licentia concordandi*. See 21 H. 8. cap. 1. See *Fine*.

*Fine sur concessit* is a *Fine* levied upon the Grant of an Estate for Years, to bar the Heir in Tail during the Term.

*Finire*, To *Fine* or Pay a *Fine* upon Composition. — *Inquirendum est etiam que vidue non finirent pro se maritandis, & finis capiat ad opus Domini Regis.* Rog. Hoveden, p. 783. *Finire* is also the same with *Finem facere* in *Brompton, pag. 1105.* Quando Rex Scotia cum Domino Rege Finivit, &c. and in *Hoveden, pag. 783.*

*Finitio*, i. e. Death; so called, because *Vita Finitur morte*.

*Finors* of Gold and Silver Be those that purify and separate those Metals from other courser, by Fire and Water. Anno 4 Hen. 7. cap. 2. They be also in the same Place called *Parters*, sometimes *Departers*.

*Fintruit*, 'Tis mentioned in the Laws of H. 1. c. 3. and is the same with *Fengeld*. From the Sax. *feed*, *Inimicus*, and *wite*, *Multa*.

*Fiola* for *Phiala*, i. e. a Viol, or little Bottle. *Mat. Paris. 146.* In aurata Fiola cum vinum coloratum acceperis, time venena.

*fiur*. See *Feria*.

*Firfare*, i. e. a Going into the Army, or Taking up Arms. From the Sax. *Fird*, *Exercitus*, and *Fare*, *iter*. 'Tis one of the Offences which properly belongs to the King's Determination, *Qui Burgbotam*, i. e. a Contribution towards building a Castle; *Brightam*, i. e. towards building a Bridge; *vel Firdefaro supersederit*, i. e. is not gone into the Army. *Leg. H. 1. cap. 10.*

*Firderings*, i. e. a Preparation to go into the Army; which was another Offence immediately under the Cognizance of the King. *Ibid.*

*Firderunga*, Furniture for the Army. See *Firbunga*.

*Firdfare*. See *Ferdfare*.

*Firdsozus*, i. e. Exempted from the Army. From the Sax. *Fird*, *Exercitus*, and *Sorne*, *Exemptio*.

*Firdstole*. See *Fridstole*.

*Firdwite*, A Mulct or Penalty imposed on military Tenants for their Default in not appearing in Arms or coming to an Expedition. *Militie detraffate multa. LL. Canuti, par. 2. ca. 22.* See *Ferdwite*.

*Firdwrthi*, *Ferdwrthi*, military Men, or Men worthy to take Arms, or mustred, or enrolled to appear upon any occasional Expedition.

*Volo ut Abbas & Fratres Ramefca habeant Sacam in omnibus super homines qui sunt Motwrthi, Fredwrthi, Ealdwrthi, in isto hundredo & dimidio.* *Histor. Monasterii Ramefci. in Edit. Gale. cap. 103.*

*Firebare*, *Quod sine dilatione levare & reparari fac. signa & Firebares super montes altiores in quolibet Hundredo. Ita quod tota patria, per illa signa, quotiescunque necesse fuerit, pramuniri possit, &c.* *Ordinatio pro vigiliis observandis a Lynne usque Yarmouth. Temp. Ed. 2.* Perhaps from the Saxon *Fyretor*, a Beacon or a High Tower by the Sea-side, wherein were continual Lights, either to direct Sailors in the Night, or give Warning of the Enemy.

*Firebote*, For the Composition of the Word, see *Hay-bote*. It signifieth an Allowance of Wood or Estovers, to maintain competent *fyre* for the Use of the Tenants: Which by the Common Law any Man may take out of the Lands granted to him.

*Fire-Ordeal*, Our devout old Ancestors had a way of Purgation or Acquitting themselves from any Charge or Accusation of Crime, by an Appeal as it were to God himself, and therefore called it *Dei judicium*, or *God's Ordeal*. This was commonly of two Sorts, *Fire-Ordeal* and *Water-Ordeal*. This *Fire-Ordeal*, which was the Privilege only of Freemen, and the better Sort of People, was twofold, either first, by stepping bare Foot and Blindfold over nine Plough-shares red-hot, laid in length at equal Distance, which if the Defendant passed unburnt, he was judged Innocent, but if burnt, he was concluded Guilty. Or Secondly, By taking a Piece of red-hot Iron in the Hand, usually of one Pound Weight, which was called *Simple-Ordeal*, or of two Pounds, which was *duplex*, or of three Pounds Weight, which was *triplex Ordealium*. See *Water-Ordeal*.

*Firlot*, a certain Measure of Liquids, something more than a Gallon. From the Sax. *Fecwer*, *Quatuor*, and *Lot*, *portio*.

*Firma*, *Ad firmam noctis*, Was a Custom or Tribute paid towards the Entertaining of the King for one Night, according to *Domesday*. Comes Meriton T. R. E. reddebat firmam unius noctis; that is, Entertainment for one Night, or the Value of it. *Firma Regis*, anciently, *pro villa Regis, seu Regis Maneris. Spelman*. By a Charter of King Edgar to Ely, it is limited to a Penalty, to pay one Night's *Firma*, if the Privileges be broken by any Man. See *Domesday*.

*Firma* is also used for Rent; as in this ancient Precept of William the Conqueror. *Willielmus Rex Anglorum Willielmo de Cahannis salutem. Præ-*

*pio tibi ut facias convenire Schiram de Hamtonia & judicio ejus cognosce, si terra de Isham reddidit Firmam Monachis Sancti Benedicti, &c.* Ex Regitt. de Ramsey in Scacc. Land let *apud altam firmam*, i. e. at the Rack; and *Firma alba*, Rent paid in Silver, not in Cattle or Provision for the Lord's House. See *Black Maile*.

*Firma* is taken for a Banquet, Supper, or any Provision for the Table. *Mandavitque Regi quod ad Firmam suam properans cibos salatos sufficientes inveniret.* H. Huntingdon, lib. 6. p. 367. And *Knigh-ton*, speaking of the same Thing saith, *Ad festum suum properans.* In *Domesday* the Word *Firma* is often mentioned, viz. *Reddere Firmam unius noctis: Reddebat unum diem de Firma; de hoc manerio ablata terra quæ reddant Canonici T. R. E. Firmam quatuor septimanarum: That is, Firma noctis is a Supper, Firma diei a Dinner, and Firma quatuor septimanarum is a Provision for so long Time. Du Cange.* Sometimes 'tis taken for Money paid instead of Viſuals. *Habemus igitur de maneriis nostris 53 Firmas.*

*Firmaculum*, a Button; sometimes *Firmabulum: As, capum choralem dilaceravit, & Firmabulum quod vulgo morsus dicitur.* Matt. Paris.

*Firmatio*, Firming or Holding to Firm. The Firmary's or Farmer's Right to the Lands and Tenements let to him *ad firmam.* — *Canonici Firmarii — si firmæ solutionem per dies omiserint — a firmatione ejus, si firmam bracio vel camera solvere tenebatur, ipso facto sit amotus.* — Statuta Eccl. Paulinæ. MS. f. 49. b. Hence *antiqua firma* was the old customary Rent. And *affirmatus* was farmed out, or let for such a certain Firm or Rent. See Mr. Kennet's Glossary in *Ad firmam dare*.

*Firmatio*, Firmationis tempus, Doe-season, as opposed to Buck-season. — *Et sciendum est quod tempus pinguedinis hic computatur inter Festum beati Petri ad vincula & exaltationem Sanctæ Crucis; Et tempus firmationis inter Festum S. Martini & Purificationem beate Mariæ.* 31 H. III.

*Firmatio*, a Supplying with Food: *Si circiliscus bono forisbanniti Firmationis accusetur per suam ipsi avetam neget.* Leg. Inæ, c. 34. i. e. accused of giving Viſuals to a Fugitive.

*Firmitas*, a Fortification or Castle well fortified; *Et nimia festinatione Saxonum casas seu Firmitates subito introivit.* Du Cange.

*Firmitum*, Feorm, Food, Viſuals, or *Furmety* given by the Lord to entertain his labouring Tenants. — *Quilibet debet flagellare dimid. cran-nock frumenti ad semen, & duos bussellos frumenti contra Natale ad firmam sua faciendam.* Cartular. Abb. Glaston. MS. f. 39. a. Rather perhaps Rent paid in customary Services.

*Firmitas*, Will. de Cressi gave to the Monks of Blyth a certain Mill *cum libera firmura* of the Dam of it. — *Reg. de Blyth.* This Dr. Thoroton englishes *Free Firmage*, but that is still a hard Word. I think it intends free Liberty to scour and repair the Mill-Dam, and to carry away the Soil, &c.

*Firistalli*, Culminis ruina.

*Firistruits*, or *Annates*, *Primitie*, Are the Profits of every Spiritual Living for one Year, given in ancient Time to the Pope through all Christendom. But by the Stat. 26 H. 8. cap. 3. translated to the King here in England; for the Ordering whereof, there was a Court erected 32 H. 8. cap. 45. but again dissolved Anno primo Mariæ, Sess. 2. cap. 10. And since that Time, tho' those Profits be reduced again to the Crown

by the Stat. 1 El. c. 4. yet was the Court never restored but all Matters therein wont to be handled, were transferred to the *Exchequer*. See *Annates*.

*Firith*, or rather *Fyrht*, a Ghost.

*Firithunga*, an Expedition, or military Progress, for Preparing for an Expedition. *Du Cange.*

*Fiscalmus*, a Villain.

*Fisgarth*, (*An. 23 H. 8. c. 18.*) Dr. Skinner, in his *Etymologicon*, says, 'Tis an Engine to take Fish; but it seems rather to signify the Dam or Wear in a River, where these Engines are laid and used. For *Garth* in the North is still used for a Backside or Homestead.

*Fistula*, the Pipe which was put into the Cup out of which the Communicants sucked the Wine: *Divisit Ecclesiis cruces, altaria, scrinia, &c. fistulas, fistulas & ornamenta varia.* Flor. Wigorn. Anno 1087.

*Fitch*. See *Furrere*.

*Fithwite*, But more rightly *Fibtebite*, From the Saxon *Feobt*, *pugna*, and *Wite*, *multa*; so that it is a Fine laid upon one for fighting and breaking the Peace: *Si pugnaverint & percusserint se, quamvis sanguinem non extraxerint, Prior habebit inde Fithwite*, that is, *amerciamenta.* Ex Registro Priorat. de Cokesford.

*Fitzherbert* Was a famous Lawyer in the Days of King Henry the Eighth, and was Chief Justice of the Common Pleas; he wrote two Books of great Reputation, one *An Abridgment of the Common Laws*, another intituled, *De Natura Brevium*.

*Flaccus*, A Felck, a Fletch, an Arrow, Fr. *Fleche.* — *Reginaldus de Grey tenet manerium de Waterhall in com. Buckingb. per servitium inveniendi unum hominem super unum equum sine sella pret. xv. & unum arcum sine corda, & unum flaccum sine capite, cum Dominus Rex mandaverit.* 17 Edw. 3.

*Flaco*, a Place covered with standing Water: *Aqua, &c. in paludem horridam & in lutum ex Flacone diutina condensata.* Monast. 1 Tom. pag. 209.

*Flata*, the same with *Flaco*.

*Flasco*, A Flask, a Bottle. — *Institu- bant fieri strepitum magnum tudentibus singulis & flagellantibus clipeos & galeas, cellas & asseres, dolia & flacones, pelves & patellas.* — *Gaufridus de Vinlauf. Iter Richardi Regis, cap. 13. lib. 4.*

*Flecta*, A feathered Arrow, or fledged Arrow, a fleet Arrow. *Radulphus le Fletcher tenet in Brade com. Linc. per servitium reddendi per annum viginti flectas ad scaccarium Domini Regis.* — 9 Ed. 1. otherwise called *Sagitta flectata.* — *Willielmus de Greseley tenet manerium de Drakelow, in com. Derb. & reddit unum arcum sine corda, & unam pharetram de Taresbit, & duodecim sagittas flectatas.* Ibid. p. 15.

*Fledwite* or *Flightwite*, (Sax. *Flyht*, *fuga*, and *Wite*, *multa*) signifies in our ancient Laws, a Discharge or Freedom from Amerciaments, when one, having been an outlawed Fugitive, comes to the Peace of our Lord the King, of his own Accord, or with Licence. Thus *Rastal*. But *Quere*, whether it does not rather signify a Mult or Fine set upon a Fugitive, to be restored to the King's Peace?

*Fleet*, (Sax. *Fleet*, i. e. a Place where the Water ebbs and flows, a running Water.) A famous Prison in London, so called, as it seemeth, of the River upon whose side it standeth. *Cambd. Brit.*



pag. 317. Unto this none are usually committed, but for contempt of the King and his Laws, or upon absolute Command of the King, or some of his Courts. Or lastly, upon Debt, when Men are unable, or unwilling to satisfy their Creditors.

**Flem** and **Fleth**, Saxon **Flema**, an Outlaw, and **Flet**, a House. In a Plea of *Quo Warranto*, Abbas de Burgo dicit quod clamat annum & vastum & medium tempus per hac verba Flem & Fleth. Trin. 7 Ed. 3.

**Flemaffare**, (from the Sax. **Flema**, a Fugitive or Outlaw, and **Flean**, to kill or slay.) By Virtue of this Word were claimed *Bona felonum*, as appears upon a *Quo Warranto*. Temp. E. 3. See *Keilwey's Rep.* f. 145. b.

**Fleminesfyrinthe**, (Reclius **Fleminasfyrinthe**, LL. Ine. c. 29, & 47. LL. etiam H. 1. c. 10, 12.) signifies the Receiving or Relieving a Fugitive. Cum *Sacca & So-ba, Tol & Team, Infangenethof & Fleminesfyrinthe & Gridbreche, Forstal, Hamfocne, Blodwite, Ordel & Orefte*. Carta Edw. Conf. Monasterio de Waltham. I find this Word often in ancient Charters erroneously written: As *Fleminesferd, Fleminesfret, Fleminesfremeth, Flemanisfit, Flemineswurde, Fleminesfenda, and Fleminesfreithbe*. All doubtless intended for the same Thing: From the Sax. **Flema**, Fugitious, and **Firmean**, victum præbere.

**Fleminesfreme** and **Fleminesfrenthe** Are said to be the Chattels of Fugitives. Mich. 10 Hen. 4. Hertf. 59. Coram Rege, Rot. 59. See *Fleminesfyrinthe*.

**Fleminesfite** Signifies the Liberty to Challenge the Cattel or Amerciaments of your Man a Fugitive. *Rastal's Exposit. of Words*. *Fleta* writes it two different ways, viz. *Fleminesfrevie* and *Fleminesfreithbe*, and interprets it, *Habere catalla Fugitivorum*, lib. 1. cap. 47. See *Flem* and *Fleminesfyrinthe*.

**Fleta**, A feigned Name of a learned Lawyer, that writing a Book of the Common Law of England, and other Antiquities in the Fleet, termed it therefore *Fleta*. He lived in the Times of Edward II. and Edward III. See his first Book, cap. 20. sect. Qui ceperint, and lib. 2. cap. 66. sect. Item quod nullus.

**Fleta**, A Flota, a Flete, or Place where the Tide or Float comes up. *Dicta terra extendit se in longitudine a communi via de M. versus aquilonem usque ad Fletam de Ee versus austrum*. Cart. 5. 14. 4. Hence Fleet Ditch, and Fleet Bridge in London.

**Fletgefozth**, a Payment or Mulct exacted from him who deserted the Army: From the Sax. **Flean**, fugere, and **Fecht**, pugna.

**Fletwite** alias **Fredwite**. Skene de verb. signif. verb. Melletum, saith, That *Flichwit* is Liberty to hold Courts, and take up the Amerciaments *pro melletis*; and the Reason he gives is, because *Flich* is called *Flitting*, in French *Melle*, which sometime is conjoined with Hand-stroke, and in some Books *Placitum de melletis*, is the Plea of beating or striking. See *Fledwit*.

**Fliorthist**, But indeed more truly *Slidethrift*, otherwise called *Shovegroat*, is the Game now known by the Name of *Shovel-board*, mentioned 32 H. S. c. 9.

**Flight**. See *Finer*.

**Flicthwite**, alias **Flicthwite**, (from the Sax. **Flic**, Contention or Strife) significat *multam ob contentiones, rixas & jurgia impositam, & cui hac a*

*Principe conceduntur, potest in Curia sua cognoscere de hujusmodi transgressionibus; vel multas inde provenientes in Curia Regis, a delinquentibus exigere & sibi retinere*. Thus *Spelman*. *Flicthwite*, i. e. *Quod Prior teneat Placita in Curia sua de contentionibus & conviciis hominum suorum & habeat inde Amerciamenta*. Ex Reg. Priorat. de Cokesford.

**Floodmark**, The Mark which the Sea, at flowing Water and highest Tide, makes on the Shoar. Accordant a ceux Ordinances les Admirals ont use leur Authority en les lieues avant dits tanque a cest temps, sibien per choses faits oustre le Mere & sur le Meré, come entre le Flodemark & Low Water-mark. *Anderfon's Rep.* f. 189. *Constable's Case*.

**Flizence**, (Anno 1 R. 3. c. 8.) a Kind of Cloth so called, brought from Florence hither; some was called *Arras, Darnix, Cambrick, Callico*, from the Places where it was made.

**Flozence**, A current Piece of English Gold. By Indenture of the Mint 11 Ed. 3. every Pound-weight of old Standard Gold was to be coined into Fifty Florences, to be current at six Shillings a Piece, all which made in Tale Fifteen Pounds, or into a proportionable Number of half Florences or Quarter Florences.

**Flotages**, that, is a Swimming at the Top, which we properly call *floating*, are such Things as swim on the Top of the Sea, or other great Rivers; the Word is used sometimes in the Commissions of *Water-Bailiff*.

**Flota navium**, a Fleet of Ships. Rex — *sciatis quod constituimus Jobannem de Roches Admiralem nostrum Flote navium ab ore aque Thamise versus partes occidentales, quamdiu nobis placuerit*. Rot. Francia. Anno 6. R. 2. m. 21.

**Flotton** alias **Flotzam**, (from the Sax. *floatan*, i. e. *natere*) Is a Word proper to the Seas, signifying any Goods that by Shipwreck are lost, and lie floating or swimming upon the Top of the Water, which with *Fetson*, and *Lagon*, and *Shares*, are given to the Lord Admiral by his Letters Patent. *Fetson* is a Thing cast out of the Ship, being in Danger of Wreck, and beaten to the Shore by the Waters, or cast on the Shore by the Mariners. Co. Vol. 6. fol. 106. *Lagon* alias *Lagan* or *Ligan*, is that which lieth in the Bottom of the Sea. Co. *Ibid*. *Shares* are Goods due to two or more by Proportion. See Co. lib. 5. Sir Henry *Constable's Case*.

**Flyman**, a Fugitive.

**Focagium**, the same with *Husbotum*.

**Focale**, i. e. a Right of taking Wood for the Fire: *In eadem Haia 10 Carratas clausura, & 10 Carratas Focalis recipiendas annuatim per visum servientis mei*. Monast. 1 Tom. pag. 779. pag. 603. *Capiatur focale quatenus fieri potest de siccis & infructuosis ramis & arboribus*, &c. Stat. Eccl. Paulina MS. f. 44. b.

**Fodder**, Or *Fether* of Lead, a Weight of Lead containing eight Pigs, every Pig three and twenty Stone and a Half. In the Book of Rates a Fodder of Lead is said to be Two thousand Pounds Weight; at the Mines, it is 22 Hundred and a Half, among the Plumbers at London it is 19 Hundred and a Half.

**Foddertozium**, Provision, or Fodder, or Forrage, to be paid by Custom to the King's Purveyors — *Jobannes Abbas S. Edmundi & D. Stephanus, Prior & Cono. Statuunt — quod de exitibus maneriorum Conventus, exceptis redditibus qui dicuntur bidagium & Foddertorium, & scellis hominum ad hun-*

*hundreda, quæ sunt quasi regalia, nihil habebit vel habere debet Dominus Abbas, &c. Ex Cart. S. Edmundi. MS. f. 102.*

**Fodder**, (Sax. *Foda*. i. e. *alimentum*.) any Kind of Meat for Horses or other Cattel; in some Places Hay and Straw mingled together is accounted *Foder*. See *Forage*. But among the Feudists it is used for a Prerogative, that the Prince hath, to be provided of Corn, and other Meat for his Horses, by his Subjects, in his Wars or other Expeditions. *Hotoman de verbis feudal.* See *Fother* — *Necnon redditus, qui dicuntur Hidagium & Foddercorn, in perpetuum Abbatibus (de S. Edmundo) designantur.* Mon. Angl. 1 Part. f. 291. a.

**Foesa**, *Grafs*, *Herbage*, Fr. *Foison*, ex dono Rainaldi de Bordenio sex solidos in Foesa foresta & decimam molendinorum ipsius. Mon. Angl. Tom. 2. p. 906. b.

**Fogage**, *Fogagium*, *Fog*, or *Feg*; Rank *Grafs* not eaten in Summer. Leg. *Forestar. Scot. cap. 15.*

**Folcland** Was *terra vulgi*, the Land of the vulgar People, who had no Estate therein, but held the same under such Rents and Services as were accustomed or agreed, at the Will only of their Lord the Thane, and it was therefore not put in Writing, but accounted *Prædium rusticum & ignobile*. Vid. *Spelman of Feuds*, ca. 5.

**Folcmote** or **Folkmote**, Saxon *Folkgemote*, that is *Conventus, populi*, compounded of *Folk*, *populus*, and *Gemetan*, *convenerere*, signifies (as *Lambard* saith in his *Exposition of Saxon Words*, verbo *Conventus*,) two Kinds of Courts; one now called *The Country-Court*, the other, *The Sheriff's Turn*. This Word is still in use in the City of London, and denotes *Celebrem ex tota civitate conventum*. Stows *Survey of London*. But *Manwood* says in his *Forest-Laws*, *Folke* is the Court holden in London, wherein all the *Folk* and People of the City did complain of the Mayor and Aldermen, for Misgovernment within the City. *Somner* in his *Saxon Dictionary* says, It is a general Assembly of the People, to consider and order Matters of the Commonwealth. *Omnes proceres Regni & milites & liberi homines universi totius Regni Britannia facere debent in pleno Folcmote fidelitatem Domino Regi, coram Episcopis Regni.* In Leg. *Edw. Confel. c. 35.* Et amplius non sit in *Hustenge*, *Miskeninga*, i. e. speaking anis, neq; in *Folkemote* neque in aliis placitis infra Civitatem. *Charta H. 1. pro London. Du Cange.* As to the *Folc mote* or *Folc Gemot*, *Sir Hen. Spelman* tells us it was a Sort of annual Parliament or Convention of the Bishops, Thanes, Aldermen, and Freeman, upon every *May-Day* yearly; where the Laymen were sworn to defend one another; swear Fealty to the King, and to preserve the Laws of the Kingdom, and then to consult of Common Safety, Peace and War, and publick Weal. But *Dr. Brady* from the Laws of our Saxon Kings, does infer that the *Folc-Mote*, was an inferior Court, before the King's Reve, or Steward; held rather every Month to do *Folc-Right*, or to compose smaller Squabbles, from whence Appeal should lie to the superior Courts of Justice. See *Dr. Brady's Glossary*, p. 48. When this great Assembly is made in a City, it may be called a *Burgemote*, when in the County a *Shiregemot*. Cum aliquod vero inopinatum & malum contra regnum vel contra coronam Regis, &c. emerferit, statim debent pulsatis campanis, quod Anglice vocatur *amotbel*, convocare omnes & universos, quod Anglice

dicunt *Folkmote*, i. e. *Convocatio populorum & gentium omnium, quia ibidem omnes convenire debent & ibi providere debent indemnitatibus Corona regni per commune consilium.* Leg. *Alfred, cap. 35. de Aldermannis.*

**Fold-course**. Cro. 2. par. fol. 432. Vide *Faldage*.

**Folgar**, i. e. to be of some Decennary: Si quis ab una mansione ad aliam transire velit, fiat hoc testimonio Aldermanni, in cujus Comitatu prius folgavit. Leg. *Alfred, c. 33.*

**Folgarri**, Menial Servants. In *Francoplegio* debet esse omnis qui terram tenet & domum, qui dicuntur *Husfastene*, Anglice, House-keepers, & etiam alii qui aliis deservient, qui dicuntur, *Folgheres*, quia nec debet quis repellere servientem suum antequam purgatus sit de omni calumnia unde prius fuit calumniatus. *Braet. lib. 3. tract. 2. cap. 10.* From the Saxon *Folgere*, *famulus*.

**Folgheres** or **Folgeres**, (From the Saxon *Folger*, i. e. to follow) are properly Followers; but *Braeton* (lib. 3. tract. 2. cap. 10.) says, it signifies eos qui aliis deservient. Vide *LL. H. 1. cap. 9.* Servants or Domesticks.

**Fongere**, an Herb: *Forsan Filix: Et debet colligere Fongere.* Du Cange.

**Footgeld**. See *Foutgeld*.

**Foot of the Fine**. See *Chirographer*.

**Forage**, (Fr. *Fouage*) Fodder for Cattel. *Cestes sont les Covenants feates le Vendredy prochain devant le Feste de Seinte Fake l'Apostle. 20 Ed. 3.* Perentre *Nichol de Stone d'une parte & John de Blount d'autre parte.* — Et le dit John trovera au dit Nichol herbe & feyn & Forage pour un Hakeney & deux vaches, &c. *Penes Wal. Kirkham Blount Bar.* See *Foder*.

**Foragium**, Straw when the Corn is threshed out — *Custumarius de Hardewyk* — triturbabit & mandabit pro quolibet opere dimidiam summam de quolibet genere bladi per mensuram grangiarum — & habebit in recessu suo quando triturbat ad grangias ad quodlibet opus quantum possit semel colligere de Forragio tunc triturbato cum rastello, & dicitur *Helm. Ex Cartular. S. Edmundi MS. f. 321.*

**Foratium**, A Furrow, a Furlong. Per viam quæ ducit usque Tattelford, usque ad Forarium de Long furlong, & iterum a dicto Forario de Long furlong usque ad — *Munimenta Hospital. SS. Trinitatis de Pontefracto MS. f. 53.*

**Forbalca**, A Fore-balk, or Balk, lying forward or next the Highway, — Concessit etiam eis omnia alia emolumenta de predicta villa vel curia sua qualiter unque in villa vel in campis ejus surgentia, scilicet, *Wastis, birnis, forbaleis terra arabilis, a fordikis circa suum molendinum & stagnum.* *Petrus Blesensis Contin. Hist. Croyland, pag. 116.*

**Forathe**, From the Sax. *For*, *pro*, and Sax. *Ath* juramentum. Liberalis autem homo, (i. e. *Pegen*.) modo crimen suum non sit inter majora, habeat fidelem hominem, qui possit pro eo jurare juramentum, i. e. *Forathe*. Si autem non habet, ipsemet juret, nec perdonetur ei aliquod jaramentum. *Constitut. Canuti de Foresta, sect. 12.*

**Foratoz**. See *Forrare*.

**Forbarre**, or **Forbar**, is to Bar or Deprive for ever. *Anno 9 Rich. 2. cap. 2. and 6 H. 6. cap. 4.*

**Forbatudus**, **Forfadus**: This is when the Aggressor is slain; Et sic est veritas sine ullo concludio, & in sua culpa secundum legem forbatudum fecit, i. e. ut qui foris Battiderit seu contra jus primo percussit:

So where the Aggressor is killed, he is said, *de vita Forfactus*, (viz.) & *tunc ante judicem in arabo conjuret quod cum de vita Forfactum interfecisset*.

*Forbushor of Armour*, (*Forbator*) *Si quis forbator arma alicujus suscepit, ad purgandum, &c.* LL. Aluredi. MS. cap. 22.

**Force**, *Vis*, In our Common Law, is most usually applied in *pejorem partem*, signifying unlawful Violence. *West* thus defines it, *Symb. part. 2. Tit. Indictments, sect. 65.* Force is an Offence by which Violence is used to Persons or Things; where also he divideth it thus, Force is either *Simple* or *Compound*; *Simple Force* is that which is so committed, that it hath no other Crime adjoined to it; as if one by Force do enter into another Man's Possession, without doing any other unlawful Act. *Mixt* or *Compound Force* is that Violence which is committed with such a Fact, as of it self only is criminal: As if any by Force do enter into another Man's Possession, and kill a Man, or ravish a Woman there, &c. He farther divideth it into true Force, and Force after a Sort, and so proceedeth to divers other Branches worth the Reading, as *forcible Entry*, *forcible Detaining*, unlawful Assembly, Routs, Riots, Rebellions, &c.

**Forceletum**, A little Fort. *Qui fugaverunt averia ad forceleta. Fleta, lib. 1. cap. 20. par. 119.*

**Forcible detaining** or holding of Possession, Is a violent Act of Resistance by strong Hand of Men weaponed with Harness, or other Action of Fear in the same Place, or elsewhere, whereby the lawful Entry of Justices, or others, is barred or hindered. *West. Symbol. part. 2. Tit. Indictments, sect. 65.* Of this see *Crompt. Just. of Peace, f. 58. usque ad 63.*

**Forcible Entry**, *Ingressus manu forti factus*, Is a violent actual Entry into a House or Land, &c. or Taking a Distress of any Person weaponed, whether he offer Violence or Fear of Hurt to any there, or furiously drive any out of the Possession thereof. *West. Symbol. part. 2. Tit. Indictments, sect. 65. Crompt. Just. of Peace, f. 58, 59. usque ad 63.* It is also used for a Writ grounded upon the Statute 8 H. 6. 9. whereof read F. N. B. fol. 248. See the *New Book of Entries, verbo Forcible Entry.* See *Lamb. Eiren. lib. 2. c. 4. p. 145.*

**Forda**, A Ford or Shallow, made by damming or penning up the Water — *Non liceat alicui de cetero facere Dammas aut Fordas, aut alia impedimenta in aliquibus laudeis, wateregangiis, fossatis sive aquagiis communibus in marisco predicto. Ordinatio Monasterii Ramchensis, p. 69.*

**Fordalis**, from the Sax. *Ford*, i. e. a River, *vadum sive trajectum*. 'Tis mentioned in the *Monasticon. 1 Tom. pag. 657. Et tendit usque ad magnam aquam de Ayre, & Fordales ejusdem prati, &c.*

**Fordika**, Grass or Herbage, growing on the Edge or Bank of Dikes or Ditches. See *Forbailia*.

**Fordol**, *Fordalia* — *Concessit etiam eis omnia alia emolumenta de predicta villa vel curia sua qualitercunque in villa vel in campis ejus surgentia, scilicet, vastiis, birnis, forbalkis terra arabilis, Fordol prati, & fordikes suum molendinum & stagnum.* Petr. Blesensis. *Contin. Hist. Gayland, p. 116.* *Fordalis*, in a like Sense, occurs in *Mon. Angl. Tom. 1. p. 657. Et tendit usque ad magnam aquam de Agr. & Fordales ejusdem prati que percutiunt ex una parte super pratum Hospitalis.* This later Word *Des Fresne* confounds with *Forda*, and thinks it implies some Re-

lation to *Ford* or *River*. But it is indeed from the Sax. *For*, *Fore* or *before*, and *dale*, a Part or Portion. So as the *Fordol*, *Fordolia*, or *Fordalis*; was no more than a But or Headland that did shoot upon other Bounds.

**Forecheapum**, — *Et non liceat iis aliquod Forecheapum facere Burghmannis, & dare Theoloni-um suum.* Chron. Brompton. Col. 897, 898. *de nave negotiali. & LL. Ethelredi c. 23.* It signifies *Præ-emption*, from the Sax. *Fore*, *ante*, and *Ceapan*, *nundinari*, *emere*.

**Foreclosed**. (*An. 33 Hen. 8. cap. 39.*) barred, shut out, or excluded for ever. 2 Part. Inst. fol. 298.

**Forefang**, Sax. *Fore*. i. e. *ante*, and *Fange*, *prendere*) King Ina did by Law prohibit *Forefange*, i. e. *Captio Obsoniorum, qua in foris aut nundinis ab aliquo fit, priusquam Minister Regis ea ceperit, que Regi fuerint necessaria.* LL. Inæ Reg.

**Foregoers** were Purveyors otherwise called, *Going before* the King in Progress, to provide for him. *An. 36 E. 3. c. 5.*

**Foreign** (Fr. *Forain*, Lat. *Forinsecus*) is in our Law joined with divers Substantives in Senses not unworthy the Exposition: As *foreign Matter*, that is, Matter triable in another County, (*Pl. Cor. f. 154.*) or Matter done in another County. *Kitchin, fol. 126.*

**Foreign Plea** Is a Refusal of the Judge, as incompetent, because the Matter in Question is not within his Jurisdiction. *Kitchin, f. 75. An. 4 H. 8. c. 2. And 22 Ejusdem, c. 2. & 14.*

**Foreign Answer** Is such an Answer as is not triable in the County where it is made. 15 H. 6. cap. 5.

**Foreign Service** Is that whereby a mean Lord holds over of another, without the Compass of his own Fee. (*Broke, Tit. Tenures, f. 28, 95, 251. num. 12. & 28. Kitchin, f. 209.*) or else that which a Tenant performs either to his own Lord, or to the Lord Paramount out of the Fee. Of which Services, thus *Bracton, (lib. 2. cap. 16. num. 7.) Item sunt quadam servitia, qua dicuntur forinseca, quamvis sunt in Charta de Feoffamento expressa & nominata; & qua ideo dici possunt forinseca, quia pertinent ad Dominum Regem, & non ad Dominum capitalem, nisi cum in propria Persona profectus fuerit in servitio, vel nisi cum pro servitio suo satisfecerit Domino Regi quocunque modo, & sunt in certis temporibus, cum casus & necessitas e venerit, & varia habent nomina & diversa: Quandoque enim nominantur forinseca, large sumpto vocabulo, quoad servitium Domini Regis, quandoque Scutagium, quandoque Servitium Domini Regis, & ideo forinsecum dici potest, quia fit & capitatur foris, sive extra servitium quod fit Domino capitali.* *Foreign Service* seems to be Knights-Service or Escuage uncertain. *Perkins's Reservation, 650. — Salvo forinseco servitio. Mon. Angl. 2 Par. f. 637. b.*

**Foreign Attachment** Is an Attachment of Foreigners Goods found within a Liberty, or a City, for the Satisfaction of some Citizens, to whom the Foreigner is indebted. At *Leinster* (anciently *Leominstre*) there is the Borough and the Foreign; which last is within the Jurisdiction of the Manor, but not within the Bailiff of the Borough's Liberty. So *Foreign Court* of the Honour of Gloucester. *Claus. 8 E. 2. m. 25. Foreign bought, and Foreign sold,* is a Custom within the City of London, which being found prejudicial to the Sellers of Cattle in *Smithfield*, it was enacted 22 & 23 Car. 2. That as well Foreigners as Freemen may buy and sell any Cattel there.

**Foreign Opposer or Apposer**, (*Forinsecarum Oppositor*) is an Officer in the *Exchequer*, to whom all Sheriffs, after they are *apposed* of their Sums out of the Pipe-Office, do repair to be *apposed* by him of their Green Wax. He examines the Sheriff's *Estreats* with the Record, and *apposeth* the Sheriff, what he says to every particular Sum therein. *Practice of the Exchequer*, fol. 87. See 4 *Inst.* fol. 107. *Chaucer* useth the Word *appose* for *interrogare*.

**Foresta**, *Terra transversalis, seu Capitalis*, a Head-land, or (as they vulgarly call it) *Hade-land*.

— *Uno capite abuttante super Foreram Rogeri Attecastel. Charta de Anno 47 E. 3.* — *Decem acras terre, quarum octo Veliones cum duabus Forcris simul jacent in, &c. Charta Antiq. penes Eliam Ashmole, Arm.*

**Forest**, *Foresta*, Signifies a great or vast Wood, in French *Lieu Forestier & Sauvage*, in *Locus sylvestris & saltuosus*. Such as have written upon the Common Law, define it thus, *Foresta est locus ubi fera inhabitant vel includuntur*, with whom agree several others. Some do say it is called *Foreste quasi ferarum statio vel tuta Mansio ferarum*. *Manwood* in his *Forest-Laws*, cap. 1. num. 1. thus defineth it, *A Forest is a certain Territory of woody Grounds, and fruitful Pastures, privileged for wild Beasts and Fowls of Forest, Chase, and Warren, to rest and abide in the safe Protection of the King, for his Princely Delight and Pleasure; which Territory of Ground so privileged, is meered and bounded with unremovable Marks, Meers and Boundaries, either known by Matter of Record, or else by Prescription, and also replenished with wild Beasts of Venery or Chase, and with great Coverts of Vert, for the Succour of the said wild Beasts to have their abode in; for the Preservation and Continuance of which said Place, together with the Vert and Venison, there are certain particular Laws, Privileges, and Officers belonging only to the same.* The Manner of making Forests, as the same Author well setteth down, cap. 2. num. 2. is this, The King sends out his Commission under the Great Seal of England, directed to certain discreet Persons, for the View, Perambulation, meering and bounding of the Place he mindeth to be a Forest; which being returned into the Chancery, Proclamation is made throughout all the Shire where the Ground lieth, That none shall hunt or chase any manner of wild Beasts in that Precinct, without the King's special Licence; after which, he appointeth Ordinances, Laws, and Officers fit for the Preservation of the Vert and Venison; and so it cometh a Forest by Matter of Record. The Properties of a Forest are these in especial; First, a Forest, as it is truly and strictly taken, cannot be in the Hands of any but the King; the Reason is given by *Manwood*, because none hath Power to grant Commission to be a Justice in Eyre or the Forest but the King, cap. 24. num. 1. The second Property be the Courts, as the *Justice-Seat* every three Years; the *Swaïnemote* thrice every Year; and the *Attachment* one every forty Days. *Idem*, cap. 21. num. 1. The Third Property, are the Officers belonging to it, for the Preservation of the Vert and Venison: As first, the Justices of the Forest, the Warden or Keeper, Verderers, Foresters, Agistors, Regarders, Bailiffs, Beadles, and such like, which you may see, and their Duties, in *Manwood*, cap. 21. num. 1, 2, 3, 4. But the chief Property of a Forest both by *Manwood*, cap. 23. and *Crompton*, pag. 146. is the *Swaïnemote*, which, as they both agree, is no less incident to it, than a Court of *Pye-powders* to a

Fair. Other Courts and Officers are not so requisite in those Forests that are in the Hands of Subjects, because they be not truly Forests. But if this fail, there remains nothing of a Forest, but it is turned into the Nature of a Chase. See *Chase*. The Norman Kings not only inclosed Forests; but punished those who hunted and killed any of the Beasts, with the greatest Severity. *Brompton* tells us, That *William*, called the Conqueror, caused the Eyes of the Man to be pulled out, who took either a Buck or Boar; and *Knibton* tells us, That his Son *William Rufus* would hang a Man for taking a Doe, and for a Hare he made him pay twenty Shillings, and ten Shillings for a Conny. *Eadmerus*, lib. 2. p. 48. mentions, That the same *Rufus*, caused fifty rich Men to be apprehended, and accused them of taking and killing his Bucks, which they denying, they were to clear themselves by the Fire Ordeal, &c. and *Hen. 1.* made no Distinction between him who killed a Man or a Buck, and punished those who destroyed the Game, (though not in the Forest) either by Forfeiture of their Goods, or Loss of Limbs: But *Hen. 2.* made it only Imprisonment for a Time: His Son, *R. 1.* revived the old Laws for punishing those who were convicted of Hunting in the Forest, (*viz.*) That they should be gelt, and have their Eyes pulled out; but that King afterwards abolished this Punishment, and appointed such Convicts to abjure the Realm, or be committed, or to pay a Fine. *Ed. 1.* appointed the same Punishment, but that they should be free both of Life and Limb.

The Historians of those Times tell us, That *New Forest* was raised by the Destruction of Twenty-two Parish-Churches, and many Villages, Chapels and Manors, for the Space of thirty Miles together; that this was so displeasing to God, that several of those Princes came to untimely Ends in that very Forest, and particularly that *Rufus* was there shot by *Tyrrill*; and before him, *Richard*, the Brother of *Hen. 1.* was there killed by a Soldier; and *Henry*, who was Nephew to *Robert*, the eldest Son of the Conqueror, did hang like *Abolom* in the Boughs of the Forest.

Besides *New Forest*, there are Sixty-eight Forests in England, Thirteen Chases, and more than Seven hundred eighty-one Parks. The Forests that I have read of in England are these, The Forest of *Windsor* in *Berkshire*, *Cam. Brit.* pag. 213. Of *Pickering*, *Crompton*, 190. Of *Shirwood*, *Id.* fol. 202. Of *Englewood* in *Cumberland*, Anno 4 H. 7. cap. 6. And *Crompton*, f. 42. Of *Lancaster*, *Idem*, f. 196. Of *Wolmore*, *Stow's Annals*, p. 462. Of *Gillingham*, *Idem*, p. 113. Of *Knarborough*, 21 H. 8. 17. Of *Waltham Carol*, *Brit.* p. 328. Of *Breden*, *Idem*, pag. 176. Of *White-hart*, *Id.* 150. Of *Wiersdale*, *Id.* pag. 589. Of *Lownsalt*, *ibid.* Of *Dean*, *Id.* pag. 266. 8 H. 6. 27. 19 H. 7. ca. 8. Of *St. Leonards* in *Sussex*, *Manwood*, p. 1. 144. Of *Waybridge* and *Sapler*, *Id.* pag. 63. Of *Whitney*, *Id.* 81. Of *Fekenham*, *Cambd.* pa. 441. Of *Rockingham*, *Id.* 396. Forest de la mer, *Id.* 467. Of *Huckestow*, *Id.* 456. Of *Ashdowne*, in the County of *Sussex*, 37 H. 8. 16. Of *Whittelwood*, and *Sawasy* in the County of *Northampton*, 32 H. 8. ca. 38. Of *Fronselwood* in the County of *Somerset*. *Co. lib.* 2. *Cromwell's Case*, fol. 71. *Waterdown Forest*, *Amdelworth* and *Dallington*, all in *Sussex*, besides several others. See 17 *Car. 1.* cap. 16. For the Ascertaining the Meers and Bounds of Forests.



**Forestagium**, (*Et sint quieti de Theoloneo & Pasagio, & de Forestagio, & Theoloneo aquarum & viarum forestam meam contingentium.* Charta 18 Ed. 1. m. 10. n. 30.) seems to signify some Duty or Tribute payable to the King's Foresters; as *Chiminage*, or such like. It may likewise be taken for a Right to use the Forest, or a Payment for the Right, or rather a Taking of reasonable *Estovers* there.

**Forestarius**, The Forester, or Keeper of a Forest, assigned by the King as Head Forester; or Warden of a whole Forest; or else deputed by Knights and Barons who held Lands and Woods within the Bounds of a Forest, as under Foresters —

*Rex precipit quod omnes illi qui boscos habent intra metas forestarum Domini Regis, quod ponunt idoneos Forestarios in boscos suis — item precipit quod sui Forestarii curant capere super Forestarios militum & aliorum.* Parochial' Antiq. p. 174.

**Forestal**. See *Forstal*.

**Forester**, *Forestarius*, Is a sworn Officer of the Forest, appointed by the King's Letters Patent, to walk the Forests both early and late, watching both the Vert and the Venison, attaching and presenting all Trespasses against them within their own Bailiwick or Walk, whose Oath you read in *Crompt.* fol. 201. And though these Letters Patent be ordinarily granted but *quamdiu se bene gesserint*; yet some have it to them and their Heirs, and thereby are called *Foresters in Fee*. Id. f. 157, 159. By the same *Crompton* in Latin, f. 175. *Forestarium feudi*.

**Forejudger**, *Forisjudicatio*, Signifies a Judgment, whereby a Man is deprived, or put by the Thing in Question: It seemeth to be compounded of *Foris*, i. *prater* and *judger*, *judicare*. *Bracton*, lib. 4. tract. 3. cap. 5. hath these Words, *Et non permittas quod A. capitalis Dominus feudi illius haberet custodiam hereditatis, &c. quia in curia nostra forisjudicatur de custodia, &c.* So doth *Kitchin* use it, f. 29. and *Old Nat. Brev.* fol. 44. & 81. and the Stat. 5 E. 3. c. 9. and 21 R. 2. cap. 12. *Forjudicatus*, with Authors of other Nations, signifieth as much as Banished, or as *Deportatus* in the ancient Roman Law, as appeareth by *Vincentius de Franchis, de scis* 101. *Mathaus de afflicis*, Lib. 3. Feub. Rub. 31. p. 625.

**Forejudged the Court** Is, when an Officer of any Court is expelled the same for some Offence, or for not appearing to an Action by Bill filed against him; and in the later he is not to be readmitted, till he shall appear. 2 H. 4. 8. He shall lose his Office, and be *fore-judged the Court*. *Spelman* Says, *Forjudicare interdum est male judicare*.

**Foreshoke** (*Direlitum*) signifies originally as much as *forfaken* in our modern Language. It is specially used in one of our Statutes, for Land or Tenements seized by the Lord, for want of Services due from the Tenant, and so quietly held and possessed beyond the Year and Day. As if we should say, That the Tenant, who seeing his Lands or Tenements taken into the Lord's Hand, and possessed so long, takes not the Course appointed by Law to recover them, does in due Presumption of Law disavow or forsake all the Right he has to them: And then such Lands shall be called *Foreshoke*, says the Stat. 10 Ed. 2. cap. 1. *unio*.

**Forespoon**, *Cassatum*.

**Forfang** and **Forsefeng**, (From the Sax. *Fore*, ante, and *Fangen*, prendere) est captio obsoniorum, quæ in foris aut nundinis ab aliquo fit, priusquam Minister

*Regis ea ceperit quæ Regi fuerint necessaria.* Antecapitio vel preventio. — *Et sint quieti de Wardwite, & de utlewe & Forfenge & Withfenge, &c.* Charta H. 1. Hosp. Sancti Barth. Lond. An. 1135. *Fleta*, lib. 1. c. 47. *Forsefng quietantiam prioris prisæ designat.* So that *Forsefng* is what we call Pre-emption, and is the Taking of Provisions from any one in Fairs or Markets before the King's Purveyors are served with Necessaries for his Majesty.

**Forfinnurr**, *Forisfactura*, Cometh of the French Word *forfait*, id est, *felus*; but in our Language signifieth rather the Effect of transgressing a penal Law, than the Transgressing it self, as *Forfeiture* of Escheats. 25 E. 3. cap. 2. *Stat. de Proditionibus*: How Goods forfeited, and Goods confiscate differ, see *Staunf.* pl. cor. fol. 186. where those seem to be forfeited that have a known Owner, having committed any Thing whereby he hath lost his Goods; and those confiscate, that are disavowed by an Offender, as not his own, nor claimed by any other; but we may rather say, that *Forfeiture* is more general, and Confiscation more particular, to such as forfeit only to the King's Exchequer. Read the whole Chapter. lib. 3. c. 24. *Full Forfeiture*, *plena forisfactura*, otherwise called *Plena Wita*, is *Forfeiture* of Life and Member, and all else that a Man hath. *Manwood*, c. 9. The Canonists use also this Word. *Forisfactura sunt pecuniaria pœna delinquentium*.

**Forfeiture of Marriage**, *Forisfactura Maritaggi*, Is a Writ which lay against him, who, holding by Knights-Service, and being under Age, and unmarried, refused her whom the Lord offer'd him without his Disparagement, and married another. F. N. B. fol. 141. *Reg. Orig.* fol. 163.

**Forfeng**, **Forcing** and **Forbenge**. *Quietantiam prioris prisæ designat*; In hoc enim delinquent *Burgenses Londinenses cum prisas suas ante prisas Regis faciunt.* *Fleta*, lib. 1. cap. 47. See *Forfang*.

**Forgabulum**, *Forgavel*, A small reserved Rent in Money. A Quit-Rent, *Ita quod ego Henricus Malmerius vel haredes mei nihil juris de dicto tenemento cum pertinentiis de catero poterimus vendere, exceptis vi. denariis de Forgabula annuatim percipiendis ad Pascha pro omnibus serviciis.* *Ex Cartularia Abbatia de Radinges.* MS. f. 88.

**Forgelds**, *Forgeld*, In the Charter of H. 1. to the Church of St. Peter in York — *Canonici & successores & eorum homines — sint quieti de omnibus geldis, Danegeldis, Fergeldis, Horngeldis, Forgeldis Penligeldis, the Thing Penny, Hundred pany, Miskeningis, cberagio, cberinagio, &c.* MS.

**Forger of false Deeds** Cometh of the French *Forger*, i. *accudere*, to beat on an Anvil like a Smith, or else to fashion or bring into Shape; and signifieth in our Common Law either him that fraudulently maketh and publisheth false Writings, to the Prejudice of any Man's Right, or else the Writ that lieth against him that committeth this Offence. F. N. B. f. 96. calls it a *Writ of Deceit*. See *Terms of the Law*, verbo *Forger of false Deeds*, and *West. Symb. part. 2. Tit. Indictments, sect. 66.* See the *New Book of Entries*, verbo *Forger de Faits*. This is a Branch of that which the Civilians call *Crimen falsi*, *Nam falsarius est, qui decipiendi causa scripta publica falsificat. Speculator de crimine falsi, falsi crimen proprie dicitur, quod utilitatis private causa factum est.* *Connarus* lib. 5. c. 7. num. 4. *Adesse falsitatis tria requiruntur, mutatio veritatis, dolus & quod alteri sit nocivum,* &c.

*Ec.* The Penalty for this Offence is declared in the Statute of 5 El. 4.

**Forgery.** See *Forger of false Deeds.*

**Forgia**, a Forge, *Forgia ferraria*, A Smith's Forge — *Omnibus* — *Henricus Rex* — *sciat me concessisse* — *Monachis meis de Dene* — *decimam castanearum mearum, & grangiam que dicitur Tuartedena, & unam forgiam ferrariam ita liberam* — Cart. Hen. II.

**Forherda**, A Herdland, a Hadland, a Foreland, or Headland — *Exceptis quinque Acris, videlicet Ebingatre, tribus acris in Muslund, una forherda s. b. Langdone, & alia forherda sub la Cnolle ad pedes terrarum de dominico Abbatis* — Cartular. Abbat. Glaston, MS. f. 76.

**Forinsecus**, Outward, or on the Outside. — *Excepto uno Selione Forinseco illius crosta versus austrum ad faciendam quandam viam* — i. e. the outward Ridge or Furrow to be left for a Path or common Way. Mr. Kennet's Glossary.

**Forinsecum Servitium**, The Payment of Aid, Scutage, and other extraordinary Burdens of military Service; opposed to *intrinsecum Servitium*, which was the common and ordinary Duties within the Lord's Court and local Liberties. See Mr. Kennet's Glossary.

**Forinsecum Manerium**, The Manor, or that Part of it which lies without the Bars or Town, and not included within the Liberties of it. *Summa reddituum assessorum de manerio Forinseco Banbury cum molendinis Forinsecis.* Paroch. Antiq. pag. 351.

**Forisbannitus**, i. e. Banished. *Expulsus a Scotia, Forisbannitus ab Anglia, &c.* Mat. Paril. An. 1245.

**Foriscapium**, where a Man by Force, or otherwise, exacts what is not due. See *Forcheapum*.

**Forisfamiliari**. A Son is properly said *Forisfamiliari*, when he accepts of his Father's Part of his Lands, and is contented with it in the Life-time of the Father, so that he cannot claim any more.

**Forlandum**. — *Et de duobus Forlandis xvi. denarios, s. de Forlando Johannis Wauker, quod jacet ante terram Ecclesie, viii. denarios.* Mon. Angl. 2 par. fol. 332. Land extending further, or lying before the Rest; a Promontory. For Camden expounds *Cantium Promontorium*, the Foreland of Kent.

**Forlet-land** was such Land in the Bishoprick of Hereford as was granted or leased *dum Episcopus in Episcopatu steterit*, that the Successor might have it for his present Income: But now that Custom is disused, and the same Land granted, as others, by Lease, yet still retains the Name. *Butterfield's Survey*, f. 56.

**Forma Pauperis**, or *In Forma Pauperis*, is when any Person has Cause of Suit, and is so poor that he cannot dispend the usual Charges of suing at Law, or in Equity. In this Case upon his making Oath that he is not worth 5 l. his Debts being paid, and bringing a Certificate from some Lawyer, that he has just Cause of Suit, the Judge admits him to sue *in Forma Pauperis*, that is, without paying Fees to Counsellor, Attornies, or

Clerk. And this had Beginning from the Stat. 11 H. 7. c. 12.

**Formedon**, *Breve de forma Donationis*, is a Writ that lies for him that hath Right to any Lands or Tenements, by Virtue of any Entail, growing from the Statute of *Westm. 2. cap. 1.* It lieth in three Sorts, and accordingly is termed *Forma donationis*, or *Formedon in the Descender*, *Formedon in the Reverter*, and *Formedon in the Remainder*: *Formedon in Descender*, lieth for the Recovery of Lands, &c. given to one and the Heirs of his Body, or to a Man and his Wife, and the Heirs of their two Bodies, or to a Man and his Wife, being Coulsen to the Donor, in *Frank-Marriage*, and afterwards alienated by the Donee; for after his Decease, his Heirs shall have this Writ against the Tenant or Alienee. *F. B. B. fol. 221.* He maketh three Sorts of this *Formedon in Descender*. The first is the Manner now express. The Second is for the Heir of a Coparcener that aliens and dies, *fo. 241.* The Third he calls (*infeudat tenuit*) *fo. 216.* which lyeth for a Coparcener or Heir in *Gavelkind* before Partition, against him to whom the other Coparcener or Heir hath alienated, and is Dead. *Formedon in the Reverter* lieth for the Donor or his Heirs, where Lands entailed to certain and their Issue, with Condition, for want of such Issue, to revert to the Donor and his Heirs, against him to whom the Donee alienateth, after the Issue extinct to which it was intailed. *F. N. B. fol. 219.* *Formedon in the Remainder* lieth, where a Man giveth Lands in Tail, the Remainder to another in Tail, and afterwards the former Tenant in Tail dieth without Issue of his Body, and a Stranger abateth, then he in the Remainder shall have this Writ. *Fitzh. Nat. Brev. fol. 217.* See *Reg. Orig. f. 238, 242. 243.* Of this also see the *New Book of Entries*, verbo *Formedon*, and *Co. on Lit. f. 326.*

**Formella**, A Weight of Lead thus described in the Statute of Weights and Measures. 51 H. 3. A. D. 1267. *La Charre de plumbo constat ex 30 Formellis, & qualibet Formella continet sex petras, exceptis 2 libris, & qualibet petra constat ex 12 libris, & qualibet libra constat ex pondere 25 solidorum.* So that a *Formella* is about 72 Pounds Weight.

**Formita**. Monast. 1 Tom. pag. 149. *In Rogationibus ad Festum Odulsi unum prebendam frumenti ad frivras, &c. ad Formitas vero in Adventu Domini debent habere 14 Summas contra natale Domini, &c. omnes scilicet percipiendas ex horreis.*

**Fornagium** Signifies the Fee taken by a Lord of his Tenants bound to bake in his common Oven, as is usual in the Northern Parts of England, or for Permission to use their own; also *Chimney* or *Hearth Money*. See *Furnage*. *Et Dominus Rex proinde admittit per an. de exitibus fornagii sui 10 libras.* Plac. coram Rege & ejus concil. in Parl. 18 E. 1. in Turri London.

**Fornication**, *Fornicatio*. 1 H. 7. 4. Whoredom, the Act of Incontinency between single Persons; for if either Party be married, it is Adultery: The first Offence herein was punish'd with three Months Imprisonment; the Second was made Felony in the late Times of Usurpation, by a pretended Act made 1650. cap. 10. *Scobell's Collection.*

**Suffex**. *Præceptum est Vic. quod venire faciat Fures, qui in Assisa Nova Disseisina dubium fecerunt Sacramentum, tangens quandam Agnetam quam dixerant*

dixerant esse filiam Simonis de Punde patris predictæ Agnetæ, & non dixerint esse heredem. Et in eo quod dixerint quod Matilda, quæ fuit mater Agnetæ, fuit uxor dicti Simonis, & non dixerint utrum Patria habebat eam ut uxorem ejus. Qui Juratores dicunt quod predictus Simon semper tenuit dictam Matildam ut uxorem suam, & dicunt quod nunquam dictam Matildam, matrem dictæ Agnetæ, desponsavit; sed dicunt quod predictus Simon aliquo tempore captus fuit per amicos predictæ Matildæ in Camera Fornicando cum ipsa Matilda, per quod compellebatur unum de tribus facere, uxorem vel ipsam affidare, vel vitam suam amittere, vel ipsam Matildam retro osculare; ita quod ipse Simon ibidem dedit fidem suam predictæ Matildæ, matri predictæ Agnetæ, quod ipsam disponere debuit, sed ipsam nunquam alio modo desponsavit, &c. Ideo predictæ Matilda de Kingsford soror predicti Simonis recepit seisin. de 1 Messuag. &c. in Shepley, &c. Adam Gurdon & alii in misericordia. Patch. 4 Ed. 1. Rot. 7. Suffex.

**Forprise**, (Forprisum, from the Fr. For, i. e. Extra, and Prise, Captio) an Exception or Reservation: In which Sense it is used in the Statute of Exon, 14 Edw. 1. but there written Horseprise. We still use it in Conveyances and Leases, wherein Excepted and Forprised is an usual Expression.

**C'EST** indenture fet entre Monsieur John Blount Chevalier, le Eysne, d'une part, & Dame Johan Fouleshurst d'autre parte, Tesmoigne, que mesme les parties sont issint assentez, accordez, & assurez, que John Blount filz & Heir a dict Monsieur John deuy espousera, & prendra a femme Isabel la fille de dite Dame du si brieve & deue temps, que la dite Dame a ses propres custages voidera ordeigner & feire, issint que le dit Dame paye a dit Monsieur John xx Markes a temps de l'espousels, & xl. Livres a certeyne de pay, compris en un Obligation, quelle le dite Dame a fait a dit Monsieur John, &c. Pour quel payment le dit Monsieur John enseffera ou fera enseffier les susdits John son filz, & la dite Isabel de son Manner jousle Uteskefather, appelle Blount's Place, ensemblement ove toutes autres terres, tenements, rentes, services, &c. Forprise le Parke, &c. appelle Blount's Park, &c. A avoir, & tener a dit John son filz, & Isabel & les beyres que mesme cely John des Corps de mesme cely Isabel engendera, &c. Donnee south les seales, &c. le jour de St. Luke. L'an de R. le Roy Hen. 4. disme. Penes Wal. Kirkam-Blount Baronet.

**Forprise** in another Sense is taken for any Exaction, and is the same with Forecapium, as appears in Thorn, Anno 1285. Totum pratum, &c. sine quacunque Forprisa in Excambium pro placea dedit.

**Forrare**, To forrage. Quidam de Francis discurrebant emolumentis victualium intendentes, quod vulgari ter forrare dicitur. Mat. Paris. 1242.

**Forrein**, Used for Foreigner. Anno 34 & 35 H. 8. cap. 18. See Foreign.

**Forshoke** Seems to signify originally as much as Forsaken in our modern Language, or Direlictum with the Romans: It is especially used in one of our Statutes, for Lands or Tenements seised by the Lord, for want of Services due from the Tenant, and so quietly held and possessed beyond the Year and Day. As if we should say, that the Tenant, which seeing his Lands or Tenements taken into the Lord's Hand, and possessed so long, taketh not the Course appointed by Law to recover them, doth in due Presumption of Law dis-

avow or forsake whatever Right he hath unto them; and then such Lands shall be called Forshoke, says the Stat. 10 E. 1. cap. uni.o.

**Forschet**, Forescheta, From Sax. For, before, and Scent, a Part or Portion, the outer or fore-part of a Furlong, the Skirt or Slip or small Piece that lay next the Highway. Una acra & dimidia videl. Forschet jacen. ibidem. Paroch. Antiq. p. 531. hac pecia terre Prioris vocatur Heralds Pece, & habet unum Forschætum jacentem proxime juxta predictam meram, ibid. 535. See Mr. Kennet's Glossary.

**Forses**, Catadupe, Waterfalls, Cam. Brit. Tit. Westmorland.

**Forspreker**, An Attorney or Advocate.

**Forspecen**, i. e. Forbid. Habeat totum hoc Forspecen, i. e. All this is Forbidden. Leg. Canuti, cap. 46. apud Brompton.

**Forsfal** or **Forsfall**, (Forestellamentum) Spelman says 'tis Via obstructio, vel itineris interceptio; with whom agrees Coke on Littl. fol. 161. b. In Domesday 'tis written Foristel. Hoc verbum Forsfal interpretari debet & intelligi ad impediendum aliquem vel insultandum in Regia strata, & non alio modo. Pla. Parl. 18 Edw. 1. Also we find in the Saxon Laws Forsfal to signify Opposition.

**Forsfal** (from the Sax. Fore, Ante, and Stal, Iter,) is an Intercepting in the Highway, or an Assaulting a Passenger in it. Forestal est si quis ex transverso incurrat vel in viam expectet & assaliat inimicum suum. Leg. H. 1. cap. 80.

**Forsfal** Is to be quit of Amerciaments, and Cattel arrested within your Land, and the Amerciaments thereof coming, says Terms de la Ley. But Spelman says, 'Tis via obstructio vel itineris interceptio, with whom agrees Co. on Lit. fol. 161. In Domesday 'tis written Foristel, which see before. Dedique eis forstallum, &c. & terram qua jacet ex utraque parte ejusdem forstalli, &c. Mon. Angl. 2 par. fol. 112. 60.

**Forsfaller**, In Crompton's Jurisdiction, fol. 153. Is used for stopping of Deer broke out of the Forest, from returning home again, or lying between him and the Forest in the Way that he is to return. See Regrators and Engrossers, Crompt. Just. of Peace, fol. 69. In the Terms of the Law, 'tis thus defined, Forstalling, Forstallamentum is the Buying of Corn, Cattel, or other Merchandise, by the Way, as it cometh towards the Market or Fair to be sold. Fleta says, Significat obstructionem via vel impedimentum transitus & fuga averiorum. lib. 1. ca. 47. Who shall be adjudged a Forstaller, see in 5 & 6 E. 6. cap. 14. Forestal est, si aliquis portaverit balec vel hujusmodi res ad forum, & statim alius venerit & emerit ab ipso illas res, ut cavius vendat, Prior habebit emendas ab ipso. Ex Reg. Priorat. de Cokesford. See 3 par. Inst. fol. 195.

**Forsfalling**, (Viarium obstructio, from the Sax. Fore, i. e. Via, and stel,) signifies the buying or bargaining for any Corn, Cattel, or other Merchandise, by the Way, before it comes to any Market or Fair to be sold, or by the Way as it comes from beyond the Seas, or otherwise, toward any City, Port, Haven, or Creek of this Realm, to the Intent to sell the same again at a more high and dear Price. 52 H. 3. Stat. 6. West, Part 2. Symbol. Tit. Indictments, Sect. 64.

**Forsula**, A little Fort. Forsulam funditus everterunt. Knyghton.

**Forte**

**Foftereue** Was a learned Lawyer, and Lord Chancellor in the Days of *Hen. 6.* Who writ a Book in the Commendation of our Common Law, intituled, *De Laudibus Legum Angliae.*

**Fofteria**, ——— *Dedimus unam virgatam terra cum messuagio propinquiore Fortheiz, & alteram virgatam cum messuagio propinquiore domui qua fuit Alonci de Tydington* ——— Cartular de Radinges, MS. f. 116. 6.

**Fofteria**, i. e. Power, Dominion, or Jurisdiction. *Non est eis imputandum, &c. si per omnia se allegent quod nec consilium eorum vel auxilium sit in Fortia ipsa.*

**Fofteriare**, or **Infosteriare** placitum, is when many Judges are assembled to do it. *Si iustitiam sine iudicio dimittant (judices) sed summonitis terrarum dominis infosterietur placitum termino competenti.* Leg. H. 1. cap. 29.

**Fofterility**, **Fofterlice**, and **Fofterlet**, (*Fortalium*, vel *Forteletum*, & *Fortellescum*.) Within the Towns and Fortilities of Berwick and Carlisle, (*Anno 11 Hen. 7. cap. 18.*) signifies properly a little fortified House or Castle, made rather to preserve the Person of the Owner and his Goods, than to endure a Siege.

**Fofterlet**, (Fr.) Signifies a Place of some Strength, *Old Nat. Brev. fol. 45.*

**Fofteringles**, Otherwise **Farthendel**, is the fourth Part of an Acre or Penny, &c. See **Farthingdeal**. See the Book of *Domesday*.

**Fofteruna** Is that which we call **Treasure-Trove**, i. e. *Thesaurum ducente Fortuna invenire. Inquiverunt est per 12 Furatores pro Rege, &c. quod fideliter presentabunt, &c. omnes Fortunas, abjuraciones, appella, &c.* Spelman tells us it signifies *Fortuito occisos*: But this seems to be very fanciful. See **Sacrobarras**.

**Fofterunium**, A Tournament or Fighting with Spears. *In contemptum meum ipse Torneamento interfui, & sophistice illum Fortunium appellasti.* Mai. Paris. Anno 1241.

**Fofterunge**. See **Fofterang**.

**Fofterurth**, A long Slip of Ground. ——— *Una acra inter tenementum Aurifabri & terram Abbatiss, & una Forurthe qua se extendit a predicta acra versus orientem juxta cursum aquae, & computatur pro una acra.* Cartular. Glaston. MS. 6. 124.

**Foffa**, A Ditch, full of Water, where Women committing Felony were drowned, but Men hanged. *Nam & ipsi in omnibus tenementis suis omnem ab antiquo legalem habuere iustitiam, videlicet ferrum, Foffam, Furcas, & similia.* In another Sense 'tis taken for a Grave, as appears by these old Verses:

*Hic jacent in Foffa Bede venerabilis ossa,  
Hic est Foffatus, qui bis erat hic catbedratus.*

**Foffa**, Item diximus per sacramentum quod non vidimus tempore Henrici & Richardi quondam Regum Angliae, quod quis redderet decimas de feriis aut de gressis aut de foffis ubi prius fuerint demofmata. ——— *Charta A. D. 1205. apud Scriptor. Normun. f. 1509.* Du Fresnoy cites this Authority in the Word **Froccus**, and thinks it should be read *de frossis*, instead of *de foffis*, i. e. As he interprets waste and barren Ground: But he knows not what to make of *demofmatis*, unless it might be read *domus diruta*. To give Sense to these dark Words, I think rather *foffis* is to be taken for *foests*, Fr. **Foiffon**, Grass cut or mowed for Hay; and *demofmatis*, for *demoiffenatis*, Fr. *moiffener*, *demoiffener*, to mow or

cut down; and then the Version will run thus: Also we have deposed upon Oath, that in the Time of *Henry* and *Richard*, Kings of England, we never saw that any one paid Tithe of Furz or Broom; or of Latter-math or After-Pasture, where the Grass or Hay had been once mowed before.

**Foffa** and **Furra**. See **Furca**.

**Foffagium**. See **Foffatum**.

**Foffatozum operatio**, **Foffe-work**, or the Service of labouring, done by Inhabitants and adjoining Tenants for Repair and Maintenance of the Ditches round a City or Town: For which some paid a Contribution called, **Foffagium**. See Mr. Kennet's Glossary.

**Foffatum**, (Lat.) A Ditch, or a Place fenced with a Ditch or Trench, *Ex dono Hen. Regis avi nostri unum Foffatum tam largum, quod naves possint ire & redire a flumine de Withonia usque ad Tupholme.* Charta 20 Hen. 3. m. 9. where it seems to signify a (cut) River.

**Foffatum**, in another Sense, is taken for the Obligation of Citizens to repair the City Ditches.

**Foffatura**, The same with **Foffatum**.

**Foffellum**, **Foffetellum**, A small Ditch, *una virgata terra, cum pertinentiis in West-Pennard que vocatur la More, videl. quinque acras in Chaseroft simul cum prato & foffello in eadem crofta.* Cartular. Glaston. MS. f. 117.

**Foffetrop**, (From **Foffus**, digged) was anciently one of the four principal Highways of England, so called, because supposed to be digged and made passable by the Romans, and having a Ditch upon one Side. See **Watling-street**.

**Foffetland** Is Land given, assigned or set forth for the Finding of Food or Victuals for any Person or Persons; as in Monasteries, for the Monks, &c.

**Foffetran**, Nuptial Gifts, which we call a Jointure. From the Sax. **Foster-lean**, *Ciborum exhibitio*, that is, a Stipend which the Wife hath for her Maintenance. *Postea sciendum est cui Foster-lean pertineat, vadiet hoc Brigdunia, & plegient amici sui.*

**Fother**, or **Fodder**, (from the Teutonick **Fuder**.) is a Weight (of Lead) containing eight Pigs, and every Pig one and twenty Stone and an half, which is about a Tun, or a common Wain or Cart-load. Speight in his Annotations upon Chaucer. I find also, in the Book of Rates, Mention of a **Fodder** of Lead, which is there said to be 2000 Weight: At the Mines 'tis 22 hundred Weight and an half; among the Plumbers at London 1900 and an half.

**Fotmel**, A Weight of Lead of ten Stone or seventy Pounds, as in this remarkable Authority, for the Mensuration of Lead. *Saccus lana debet ponderare 28 petras, & solebat ponderare summam frumenti, & sic saccus lana ponderat sextam partem caretate plumbi, scil. 50 petras, sex & viginti petra faciunt caretatam plumbi.* London. Summa librarum caretate London, 2 mille & centum libra scil. de Waterforth-malet: *Sex sacci lana faciunt caretatam plumbi, & quilibet saccus ponderat 5 fotmels plumbi. Et duas petras scil. 18. libr. & quatuor xx. duodecim Weyes, faciunt unum caretatam plumbi, qualibet Wey continet 26 petras, scil. 2 cuttes, fotmel, & 6 petras, qualibet petra continet vii. libras cerae, & x. petra faciunt fotmel, ac fotmel ponderat 70 libr. & sic 31 fotmel & 2 petra faciunt caretatam plumbi, & sic de una caretata plumbi possunt 20 pedes in altitudine & etiam in longitudine totidem*



*videm co-operiri*—— Ex Cartular. S. Albani MS.  
Cotton Tiber F. 6. f. 260.

**Fouage**, (Fr.) See *Fuager*.

**Foben**, A Grave for Burial of the Dead. In the Statutes of the Church of St. Paul in London, it was ordained in the Chapter, *De servientibus Ecclesiæ*—— *quod pro fovea facienda in cœmiterio per garciones suos non recipient dicti servientes pro divite ultra .iii. denar*—— *pro mediocri, ii. den*—— *cum per garciones eorum fit fovea, alioquin nihil percipiant.* Liber Statutorum Eccl. Pauline London, MS. f. 29.

**Foberare**, To carry away Fodder, to forage. *Inquiretur quantum pastura Regis Foverata fuerit, aut deteriorata, per animalia quæ exeunt a domibus.* Fleta, lib. 2. cap. 41. par. 13.

**Foundation**, The Founding of a College or a Hospital, is called *Fundatio*, quasi *Fundi-datio*, or *fundamenti locatio*. Co. Rep. 10.

**Founday**. At the Iron Works in melting and preparing the Mine, every six Days they call a *Founday*; in which Space, they make commonly eight Tun of Iron, if you divide the whole Sum of Iron made by the *Foundays*: For at first they make less in a *Founday*, at last more. From the French *Foundre*, to melt. To *Found*, whence *Bell-Founder*, a *Fount* or *Funt* of Letters, &c.

**Founder** Is he that melteth Metal, and maketh any Thing of it, by casting it into a Mould, Anno 17 R. 2. cap. 1. derived from the Verb *Fundere*, to pour out. We also say, That whoever builds and endows a College or Hospital is the *Founder*.

**Founiare**, To fawn as a Deer. *Qui fecerunt vasum in foresta, maxime ubi dama solebant Founiare.* Fleta, lib. 2. cap. 41. par. 33.

**Fourcher** (Fr. *Fourchir*, i. e. *Titubare lingua*.) signifies a Putting off, Prolonging, or Delaying of an Action; for as by Stammering we draw out our Speech, not delivering that we have to say, in ordinary Time, so by *fourching* we prolong a Suit that might be ended in a shorter Space. In *Westm.* 1. cap. 42. you have these Words, Coparceners and Jointenants shall no more *fourch*, but only shall have one *Essoin*, &c. And Anno 6. Ed. 1. c. 10. it is used in the same Sense; The Defendants shall be put to answer without *fourching*, &c. Anno 23 Hen. 6. cap. 2. See 2 Part. Inf. fol. 250. In the Latin 'tis called *Furcare*; and signifies, where a Man and his Wife, or each of them, casts an *Essoin*, then 'tis called *Furcare*, because 'tis twofold. *Caveat vir & mulier implacitati, quod semper in Essonio alterius alter compareat, quamdiu furcare possint; & cum ultra non possint, concurrant eorum Essonia in suis locis; Alter autem eorum tantum unum Essonium de malo lecti habere potest.* Hengham Mag. cap. 9.

**Foutgeld**, or **Footgeld**, (from the Sax. *Fot*, *Pes*, and *Geldan*, *Solvere*, q. *Pedis Redemptio*) signifies an Amercement for not cutting out the Balls of great Dogs Feet in the Forest. See *Expeditate*. And to be quit of *Footgeld* is a Privilege to keep Dogs within the Forest, unawed, without Punishment or Controul. *Crompton's Jurisd.* fol. 197. *Manwood*, part 1. pag. 86. This Privilege was always allowed in *Assis. Forest. de Pickring*, 10 Edw. 3.

**Fowls of Warren**. See *Warren*.

**Fractitium**, Arable Land. *Pratum de mura & 3 Acres terra de Fractitio.* Men. Tom. 2. pag. 878.

**Fractura nabium**, Wreck.

**Fragium**, A Right of making Faggots in a Wood. *Concessi eisdem Fragium, focalia, &c.* Mon. Tom. 1. pag. 813.

**Frampole Fences** Are such Fences as any Tenant in the Manor of *Writtle* in *Essex* hath against the Lord's Demeans; whereby he hath the Wood growing on the Fence, and as many Trees or Poles as he can reach from the Top of the Ditch with the Helve of his Ax, towards the Repair of his Fence. I have heard the late Chief Justice *Brampton*, whilst he was a Praetiser and Steward of this Court, acknowledge he could not find out the Reason why these Fences were called *Frampole*. It may come from the Sax. *Fremful*, Profitable, or may be a Corruption of *Franc-pole*, because the Poles are free for the Tenant to take.

**Franchilanus**, (from the Fr. *Franchi*, i. e. Free) a Freeman. *Sciatis me dedisse, cum villanis & Franchilano, nomine Hamone, & cum tenuris eorum, &c.* Charta Hen. 4. 2. in m. Mon. Angl. 1 par. fol. 442. b. And in *Domesday* we find *Francus homo* used for a Freeman.

**Franchise**, *Franchesia*, *Libertas*, Is taken with us for a Privilege or Exemption from ordinary Jurisdiction, and sometimes an Immunity from Tribute: It is either personal or real, (*Crompt. Jurisd.* fol. 141.) that is, belonging to a Person immediatly, or else by Means of this or that Place, or Court of Immunity, whereof he is either Chief or a Member. In what particular Things a *Franchise* commonly consists, see *Britton*, cap. 19. *Franchise Royal*, 15 R. 2. cap. 4. and 2 H. 5. cap. 7. in fine, seemeth to be that where the King's Writ runs not, as *Chester*, *Durham*, &c. which are called *Seigniories Royal*, Anno 28 H. 6. cap. 4. and formerly *Tyndal* and *Examsire* in *Northumberland*. The Author of the *New Terms of the Law* saith, That a *Franchise Royal* is, where the King granteth to one and his Heirs, that they shall be quit of Toll, or such like. See *Franchise* in the *New Book of Entries*. *Bracton*, lib. 2. cap. 5. See *Sac.* See also *Old Nat. Brev.* fol. 4.

**Franchigenæ** Was the general Appellation of all Foreigners, unless they could prove themselves to be *Englishmen*. See *Englescery*.

**Franching**, A Freeholder, *Qui libere tenet*. See *Fortescue de Laud. Leg. Angl.* cap. 29.

**Frank** Was a French Gold Coin, worth about a French Shilling; but in Computation was twenty Sols, which is a *Libre*, or Pound; and about twenty Pence in our Money.

**Frank-almoyn**, *Libera Eleemosyna*, In French *Frank-ausmoine*, signifies a Tenure or Title of Land or Tenements bestowed upon God, that is, given to such People as devote themselves to the Service of God, for pure and perpetual Alms; whence the Feoffors or Givers cannot demand any terrestrial Service, so long as the Lands, &c. remain in the Hands of the Feoffees. With this agreeth the *Grand Customary of Normandy*, cap. 32. Of this you may read at large, *Bracton*, lib. 2. cap. 5 & 10. See *F. N. B.* fol. 211. and the *New Book of Entries*, verbo *Frank-almoine*: *Britton*, in the forecited, makes another Kind of this Land, given in Alms, but not in free Alms. As if an Abbot, &c. holds Lands of his Lord for certain Divine Service to be done, as to sing every Friday a Mass, or do some other Thing; and if such Divine Service be not done, the Lord may distrain, in

in such Case the Abbot ought to do Fealty to the Lord; and therefore it shall not be said a Tenure in *Frank almoine*, but a Tenure by Divine Service; for it cannot be *Frank-almoine*, if any certain Service be expressed.

*Frank-Bank.* See *Free-bench*.

*Frank-Chafe, Libera Chafea,* Is a Liberty of free *Chafe*, whereby all Men having Ground within that Compass, are prohibited to cut down Wood, &c. without the View of the Forester, tho' it be in his own Demesnes. *Crom. Jur. fol. 187.*

*Frank-fee, Liberum feudum,* Is by Broke, *Tit. Demesne, num. 32.* thus expressed, That which is in the Hands of the King or Lord of any Manor, being ancient Demesne of the Crown, (*viz.* the Demesnes) is called *Frank-fee*, and that which is in the Hands of the Tenant is ancient Demesne only. See *Reg. Orig. fol. 12.* whereby that seemeth to be *Frank-fee* which a Man holds at the Common Law to himself and his Heirs, and not by such Service as is required in ancient Demesne, according to the Custom of the Manor. And again, in the same Book, *fol. 14.* there is a Note to this Effect, That the Lands which were in the Hands of King Edward the Confessor at the Making of *Domesday-Book*, is ancient Demesne, and that all the Rest of the Realm is called *Frank-fee*, wherewith *Fitzherbert* agrees in his *Nat. Brev. fol. 161.* So that by this Rule all the Land in the Realm is either ancient Demesne or *Frank-fee*. The Author of the *Terms of Law* defines *Frank-fee* to be a Tenure in Fee-simple of Lands pleadable at the Common Law, and not in ancient Demesne. *Fachineus, lib. 7. cap. 39.* makes *Feudum francum esse pro quo nullum servitium praestatur Domino*, with whom agrees *Zafius de feudis, part 12.* saying, That therefore it is *Feudum improprium, quia ab omni servitio liberum*. These Lands which were held in *Frank-fee*, were exempted from all Services, but not from Homage.

*Frank-ferm, Firma Libera,* Is Land or Tenement, wherein the Nature of Fee is changed by Feoffment out of Knights-service for several yearly Services; and whence neither Homage, Worship, Marriage, nor Relief may be demanded, nor any other Service not contained in the Feoffment. *Britton, cap. 66. num. 3.* See *Fee-farm*.

*Frankfold* Is where the Lord hath the Benefit of folding his Tenants Sheep within his Manor, for the manuring his Land. *Keil. Rep. fol. 198. a. Quod Vassallis olim & Usufructuariis denegatum, Manerium & pradiorum Dominis solum competebat*, says Mr. Somner. It is compounded of the Fr. *Franc*, i. e. Free, and the Sax. *Fald*, i. e. a Fold. See *Faldage*.

*Frank-latr, Libera Lex.* See *Crompt. Just. fol. 156.* where you shall find what it is by the Contrary; for he that for an Offence, as Conspiracy, &c. loseth his *Frank law*, is said to fall into these Mischiefs; First, That he may never be impelled upon any Jury or Assize, or otherwise used in testifying any Truth. Next, If he have any Thing to do in the King's Court, he must not approach thither in Person, but appoint his Attorney. Thirdly, His Lands, Goods, and Chattels must be seised into the King's Hands; and his Lands must be estreaped, his Trees rooted up, and his Body committed to Prison; for this the said Author citeth *Lib. Assis. fol. 59. Conspiracy, 24 E. 3. fol. 34.* See *Conspiracy*.

*Frank-marriage, Liberum maritagium,* Is a Tenure in Tail special, growing from these Words in the Gift comprised, *Sciant, &c. me M. H. de W. dedisse & concessisse & presenti Charta mea confirmasse J. A. filio meo & Margeria uxori ejus, filie verae T. N. in liberum maritagium unum Messuagium, &c.* West. Symbol. part 1. lib. 2. sect. 303. The Effect of which Words is, That they shall have the Land to them and the Heirs of their Bodies, and shall do no Fealty to the Donor till the fourth Degree. See *Terms de la Ley. Glanvil, lib. 7. cap. 18.* and *Bract. lib. 2. cap. 7. num. 4.* divideth *Maritagium in liberum & servitio obligatum*. See *Marriage*. *Fleta* gives this Reason why the Heirs do no Service until the fourth Descend. *Ne donatores vel eorum haeredes, per homagii receptionem, a reversione repellantur.* And why in the fourth Descend, and downward, they shall do Service to the Donor, *Quia in quarto gradu vehementer praesumitur, quod terra non est pro defectu haeredum Donatorum reversura, lib. 3. cap. 11.* All this appears very plain in *Bracton's* Words, who tells us, That *Maritagium liberum est ubi donator vult quod terra sic data erit quieta & libera ab omni seculari servitio quod ad dominium feodo possit pertinere, & ita quod ille cui data sit nullum omnino inde faciat servitium usque ad tertium haeredem, & usque ad quartum gradum.* And then he mentions how the Degrees shall be computed, *viz.* The Donee himself shall be in the first Degree, his Heir in the Second, his Heir in Third, and his Heir in the fourth Degree; and afterwards the Land was subject to all the former Services, because it was supposed then to revert to the Lord for Want of Heirs. So that it was exempted only *usque ad quartum gradum.*

The Lands which were given in Marriage & *servitio obligata*, were, with a Reservation of the Services, due to the Lord, which the Donee and his Heirs were bound to perform for ever; but neither he, or the next two Heirs were bound to do Homage; that was to be done when it came to the fourth Degree, and not before; and then both Services and Homage were to be performed.

*Frank-pledge, Franci plegium,* From the French *Frank, liber*, and *pledge, i. fidejussor*, signifies a Pledge or Surety for Freemen: For the ancient Custom of Freemen of England, for the Preservation of the publick Peace, was, That every Free-born Man at fourteen Years of Age, (Religious Person, Clerks, Knights, and their eldest Sons excepted) should find Surety for his Truth towards the King and his Subjects, or else be kept in Prison; whereupon a certain Number of Neighbours became customably bound one for another, to see each Man of their Pledge forthcoming at all Times, or to answer the Transgression committed by any gone away: So that whosoever offended, it was forthwith inquired in what Pledge he was, and then they of that Pledge either brought him forth within 31 Days to his Answer, or satisfied for his Offence. This was called *Frank-pledge*, and the Circuit thereof *Decenna*, because it commonly consisted of ten Households, and every particular Person, thus mutually bound for himself and his Neighbours, was called *Decennier*, because he was of one *Decenna* or another. This Custom was so kept, that the Sheriffs at every County-Court did, from Time to Time, take the Oaths of young Ones, as they attained the Age of fourteen Years, and see that they were comprised in some Dozen; where-

Upon this Branch of the Sheriffs Authority was stiled *Visus Franci Plegii*, View of Frank-pledge. See the Statute for View of Frank-pledge, made 18 E. 2. See also Decennier, Leet, View of Frank-pledge, and Friborgh. That we borrowed this Custom of the Lombards, manifestly appears in the second Book of Feuds, cap. 53. upon which read *Hotoman*, &c. What Articles were wont to be enquired of in this Court, see in Horn's *Mirror of Justices*, lib. 1. cap. de la veue des Frank-pledges; and what these Articles were in former Times, see in *Fleta*, lib. 2. cap. 52. and 4 par. *Inst.* fol. 73. In an ancient Charge of the Quest of Wardmote, in every Ward in London, it is said, And if there be any Person within the Ward that is not under Frank-pledge, that is to say, under Love and Law, &c. This may also be seen in *Bracton*, lib. 3. tract. de corona, cap. 10. viz. *Omnis homo, sive liber sive servus, aut est vel debet esse in Franco Plegio, aut de alicujus manupastu, nisi sit aliquis itinerans de loco in locum, qui non plus se teneat ad unum quam ad alium, vel quid habeat quod sufficiat pro Franco Plegio, sicut dignitatem, vel ordinem, vel liberum tenementum, vel in civitate rem immobilem, &c.*

**Fractetum**, A Wood or woody Ground. 1 *Inst.* fol. 4. b. I take it to be a Corruption of *Fraxinetum*, a Wood where Ashes grow.

**Frateria**, A Fraternity, Brotherhood, or Society of religious Persons who were mutually bound to pray for the good Health and Life, &c. of their living Brethren, and the Souls of those that were dead. In the Statutes of the Cathedral Church of St. Paul's in London, collected by Ralph Baldock Dean, 1295. there is one Chapter de *Frateria Beneficiorum Ecclesie S. Pauli*: And the Institution of it in that Church is thus recorded. *Anno ab incarnatione Domini, M. C. xc. vii. in crastino ascensionis beate Marie, auctoritate Radulphi de Dico Ecclesie S. Pauli Londoniorum Decani, & assensu Fratrum Canonicorum institutum est ut in singulis annis quater in anno convenient universi Officium pro defunctis Fratribus Societatis celebraturi, & quotquot erunt Sacerdotes ejusdem Societatis fratres eadem die missam celebrabunt, &c.* Ex Libro Statut. Eccl. Paul. Lond. Script. ad mandatum Tho. Lyseaux Decani. MS. f. 24. b.

**Frater Nutricius**, a Bastard Brother; so *Malmesbury* uses it; and so I have seen it used in old Deeds.

**Fratrueles**, The Sons of two Brothers. *Successit Fratrueles ejus in regnum, &c.*

**Fratruus**, The Brother's Son.

**Fratres conjurati** Are sworn Brothers or Companions, *Simeon Dunelm.* pag. 81, 190, 203. and *Hoveden*, pag. 445. Sometimes they are so called who were sworn to defend the King against his Enemies. *Leg. W. 1. cap. 59. Præcipimus ut omnes liberi homines sint Fratres conjurati ad monarchiam nostram & regnum nostrum contra inimicos pro posse suo defendendum.* *Leg. Edw.* cap. 35.

**Fratres-pyes** Were Friars wearing black and white Garments: They are mentioned in *Walsingham*. pag. 124. viz. *In quodam cæmeterio quod fuerat quondam fratrum quos Freres-pyes veteres appellabant.*

**Fratriagium** Is that Part of the Inheritance which comes to the younger Brothers; for what ever they possess of the Father's Estate, they possess it *ratione Fratriagii*, and are to do Homage to the elder Brother for it, because he is bound to do Homage for the Whole to the superior Lord.

*Bracton*, lib. 2. cap. 35. *Fleta*, lib. 3. cap. 16. Par. 6, 7.

**Fretchenchia, Fretchenchia**. Among the customary Services done by the Tenants in *Chelesworth*, a Manor belonging to the Abbey of St. Edmundsbury—*præterea numeret ad firmam unam summam & dimidiam de brasio avena, & dimidiam summam de grano ordeï, & dimidiam summam frumenti, & quarterium vacca & dimidiam Fretchenchiam pacabiles, & unam anciam, &c.* *Cartular. 8. Edmundi*, MS. f. 410.—*unam summam frumenti & dimidiam vaccam & unam Fretchenchiam pacabiles*, ib. where by *Fretchenchia* I think is meant a Pork-err or young Hog killed for Pork, not Bacon.

**Fretatus, Navis Fretata**, A Ship freighted, a laden Vessel—*In Processu Placiti coram majore villa Bristol anno 18 Edw. 2. compertum est quod Magister Navis Sancti dominici de Placentia, & alii socii sui monstraverunt domino Regi quod fretati fuerunt cum vinis adducendis in Flandriam.*

**Freta, Fret-work, Fretatus, fretted, Fretatus**. So *Fretura*, a Fresse, or Fretture—*Capla operata sameto rubeo, cum fretis & scutis brevitatis, præterquam in tergo.* *Mon. Angl. tom. 3. pag. 321.* *Unus pannus de viridi campo, cum rosulis inter Freturas*, ib. p. 326. *Sandalia*—*cum caligis brevitatis & Freturis, de armis palatis & undatis*, ib. p. 314.

**Fredwit**. See *Fledwit*.

**Fredum** Was a Composition paid by a Criminal, to be freed from Prosecution, of which the third Part was paid into the Exchequer, and that was called *Fredum*. See *Delatura*.

**Free-bench, Francus bancus**, that is, *sedes libera*, signifies that Estate in Copyhold Lands, that the Wife being espoused a Virgin hath, after the Decease of her Husband, for her Dower, according to the Custom of the Manor: (*Kitchin*, fol. 102.) As at *Orleton* in the County of Hereford, the Relict of a Copyhold Tenant is admitted to her *Free-bench*, that is, to all her Husband's Copyhold Lands, during her Life, at the next Court after her Husband's Death. *Bracton*, lib. 4. tract. 6. cap. 12. num. 3. hath these Words, *Consuetudo est in partibus illis, quod uxores maritorum defunctorum habeant francum bancum suum de terris sockmannorum, & teneat nomine dotis.* *Fitzherbert* calls it a Custom, whereby in certain Cities, the Wife shall have her Husband's whole Lands, &c. for her Dower. *Nat. Brev. fol. 150.* See *Plowden*, fol. 411. In the Case of *Newis*. Of the *Free-bench*, several Manors have several Customs, as at *East* and *West Enborne* in the County of Berks, if a customary Tenant die, the Widow, shall have her *Free-bench* in all his Copyhold Lands, *dum sola & casta fuerit*; but if she commit Incontinency, she forfeits her Estate: Yet if she will come into the Court riding backward on a black Ram, with his Tail in her Hand, and say the Words following, the Steward is bound by the Custom to re-admit her to her *Free-bench*.

Here I am

Riding upon a black Ram,

Like a Whore as I am;

And for my Crineum Crancum,

Have lost my Binkum Bankum;

And for my Tail's Game,

Have done this worldly Shame,

Therefore I pray you, Mr. Steward, let me have my Land again.

The like Custom there is in the Manor of Chadleworth in the same County; in that of Torre in Devonshire, and other Parts of the West.

**Freebord**, *Franchbordus*, in some Places they claim as a *Free-bord*, more or less Ground beyond or without the Fence. In *Mon. Angl.* 2 par. fol. 241. it is said to contain two Foot and a half, viz. *Et totum boscum vocat. Brendawood cum frankborda, Et ducrum pedum & dimid. per circuitum illius bosci, &c.*

**Free-Chapel**, *Libera Capella*, In the Opinion of some is a Chapel founded within a Parish, for the Service of God, by the Devotion and Liberality of some good Man, over and above the Mother-Church, to which it was free for the Parishioners to come, or not to come, and endowed with Maintenance by the Founder, and thereupon called *Free*. Others with more Probability say, That those only are *Free Chapels* that are of the King's Foundation, and by him exempted from the Jurisdiction of the Ordinary; but the King may licence a Subject to found such a Chapel, and by his Charter exempt it from the Diocesan's Jurisdiction. That it is called *Free* in Respect of its Exemption from the Diocesan's Jurisdiction, appears by the *Register of Writs*, fol. 40, 41. These Chapels were all given to the King, with Chantries, 1 E. 6. 14. *Free-Chapel of St. Martin le Grand*, 3 E. 4. cap. 4. and 4 E. 4. cap. 7.

**Freehold**. See *Fridstoll*.

**Freehold**, *Franktenement*, *Liberum tenementum*, Is that Land or Tenement which a Man holdeth in Fee, Fee-tail, or at the least for Term of Life. *Bract. lib. 2. cap. 9.* In the *Terms of the Law* 'tis said, That *Freehold* is of two Sorts, *Freehold in Deed*, and *Freehold in Law*: *Freehold in Deed* is the real Possession of Land or Tenements in Fee, Fee-tail, or for Life. *Freehold in Law* is the Right that a Man hath to such Land or Tenements before his Entry or Seizure. It hath likewise been extended to those Offices which a Man holdeth either in Fee, or for Term of Life. *Briton* defines it to this Effect, *Frank tenement* is a Possession of the Soil, or Services issuing out of the Soil, which a Freeman holdeth in Fee to him and his Heirs, or at the least for Term of his Life, though the Soil be charged with free Services or other, cap. 32. *Freehold* is sometimes taken in Opposition to Villenage. *Bract. lib. 4. 37, 38.* *Lambard* in his Explication of *Saxon Words*, verb. *Terra ex scripto* saith, That Land in the Saxons Time was called either *Book-land*, that is, holden by Book or Writing; or *Folk-land*, that is, holden without Writing. The former he reports was held with far better Condition, and by the better Sort of Tenants, as Noblemen and Gentlemen, being such as now we call *Freehold*. The later was commonly in the Possession of Clowns, being that we now call *Ad voluntatem Domini*, At the Will of the Lord. The *Register Judicial*, fol. 68. and in divers other Places saith, That he which holds Lands upon an Execution of a Statute-Merchant, until he be satisfied the Debt, Tenet ut liberum tenementum sibi & assignatis suis. And fol. 73. the same may be read of a Tenant by Elegit, where the Meaning is not, that they be *Freeholders*, but as *Freeholders* for their Time, that is, until they have gathered Profits to the Value of their Debt. *Freeholders* in the ancient Law of Scotland were called *Milites*. *Skene de verbor. signif. verb. Milites.* Doctor and Student, that the Possession of Land after the Law of England, is called *Frank-tenement*, or *Freehold*, fol. 97. a.

**Frapinetum**, A Wood of Ashen Trees. *Domesday.*

**Fremenfreda**. See *Femenesfrith*.

**Frenchman**, *Francigena*, was heretofore wont to be used for every outlandish Man. *Bracton*, lib. 3. tract. 2. cap. See 15 *Englescery*.

**Frendless-man** Was the Saxon Word for him that we call an Outlaw, and the Reason might be, because upon his Exclusion from the King's Peace and Protection, he was denied all Help of Friends after certain Days. *Nam forisfecit amicos.* *Bract. lib. 3. tract. 2. cap. 12. num. 1.* whose Words are these, *Talem vocant Angli (utlough) & alio nomine antiquitus solet nominari, sc. Frendless-man, & sic videtur quod forisfecit amicos, & unde si quis talem post Utlagariam & expulsiorem scienter paverit, receptaverit vel scienter communicaverit aliquo modo, vel receptaverit, vel occultaverit, eadem poena puniri debet, qua puniretur utlagatus, ita quod careat omnibus bonis suis & vita, nisi Rex ei parcat de sua gratia.*

**Frendwite vel Infeng**, Signifi at quietantiam prioris prisae ratione convivii. *Fleta*, lib. 1. cap. 47. See *Forfeng*. I cannot apprehend what *Fleta* meant by this Exposition of the Word, I rather think it was a Mulct exacted of him, who harboured his outlawed Friend: 'Tis derived from the Sax. *Freond*, amicus, and *wite*, multa.

**Fresca**, Fresh-water, or Rain, and Land-Flood.

— *Reddendo inde nobis duas marcas argenti* — pro omni servitio, nisi quod debet mallare secundum quantitatem illius terre intus & extra, tam contra sal-sam, quam contra frescam, sicut ceteri, & curiam nostram sequi — *Charta Antiq. in Somner of Gavelkind*, p. 132.

**Fressh Disseisin**, *Frisca disseisina*, Cometh of the French *Fraiz*, i. recens and *disseisir*, a possessione ejicere: It signifies such a Disseisin as a Man may seek to defeat of himself, and by his own Power, without the Help of the King or Judges, *Britton*, cap. 5. and that such disseisin as is not above fifteen Days old. *Bracton*, lib. 4. cap. 5. whom you may read at large in this Matter, concluding that it is arbitrary, and so doth *Britton*, cap. 65. But cap. 43. he seemeth to say, That in one Case it is a Year. See him also, cap. 44.

**Fressh fine** Is that which is levied within a Year past. *Westm.* 2. cap. 45. Anno 13 E. 1.

**Fressh force**, *Frisca fortia*, Is a Force done within forty Days, as seems by E. N. B. fol. 7. For if a Man be disseised of any Lands or Tenements within any City or Borough, or deforced from them after the Death of his Ancestor, to whom he is Heir, or after the Death of his Tenant for Life, or in Tail; he may within forty Days after his Title accrued, have a Bill out of the Chancery, to the Mayor, &c. See the Rest there, and *Old Nat. Brev.* fol. 4.

**Fressh Suit**, *Recens insecutio*, Is such a present and earnest following of an Offender, as never ceaseth from the Time of the Offence committed or discovered, until he be apprehended. And the Effect of this in the Pursuit of a Felon is, that the Party pursuing shall have his Goods again, whereas otherwise they are the King's. Of this see *Staundf. pl. cor. lib. 3. cap. 10 & 12.* where you shall find handled at large what *Suit* is to be accounted *fressh*, and what not. And the same Author in his first Book, cap. 27. saith, That *Fressh Suit* may continue for seven Years. See *Coke's Rep. lib. 3. Ridgeway's Case.* *Fressh Suit* seemeth to be either within the View or without; For *Manwood* saith, That upon *Fressh Suit* within the



the View, Trespassers in the Forest may be attached by the Officers pursuing them, though without the Limits and Bounds of the Forest. *cap. 19. per totum.*

**Fretum Britannicum**, The Streights between Dover and Calais.

**Fretum**, *freight-Money.*— *Acquietari facietis fretum navium secundum quod Marinelli earundem Navium probare possint quod erit debitum de Fretto*— *Claus. 17 Joh. m. 16.*

**FRIAR** or **FRIER**, (Lat. *Frater*, Fr. *Frere*) An Order of religious Persons, of which, these are reckoned the principal Branches, *Anno 4 H. 4. cap. 17. viz. Minors, Grey Friars, or Franciscans, Augustins, Dominicans, or Black Friars, and White Friars, or Carmelites*, from which the Rest descend. See *Zacchius de Repub. Eccles. pag. 380.* and *Lyndewoite, Tit. de relig. Domibus, c. 1. verbo, Sancti Augustini.*

**FRIAR observant**, *Frater observans*, Is an Order of *Franciscans*, which are *Minors*, as well the *Observants* as the *Conventual*, and *Capuchines*. *Zach. de Rep. Eccles. tract. de Regular. cap. 12.* These we find mentioned *Anno 25 H. 8. cap. 12.* They be called *Observants* because they are not combined together in any Cloister, Convent or Corporation, as the *Conventuals* are; but only tie themselves to observe the Rites of their Order more strictly than the *Conventuals* do; and upon a Singularity of Zeal, separate themselves from them, living in certain Places, and Companies of their own chusing: And of these you may read *Hospinian de Orig. & Progress. Monachatus, fol. 878. cap. 38.*

**FRIURGH** alias **FRIITHBORGH**, (from the Saxon *Friith*, i. e. *Pax*, and *Borge*, i. e. *Fidejussor*) is the same with *Franchpledge*, the one being in the Saxons Time, the other since the Conquest; wherefore, for the Understanding this, read *Frankpledge*, and the Laws of King Edward, set out by *Lambard, fol. 143.* in these Words; *Praterea est quadam summa & maxima securitas, per quam omnes statu firmissimo susinentur, viz. ut unusquisque stabiliat se sub fidejussionis securitate, quam Angli vocant, (Freoborghes) soli tamen Eboracenses dicunt eandem (Tienmannatale) quod sonat latine decem hominum numerum, &c.* Every Man in this Kingdom was associated in a Decennary, that is, in a Company of ten Families, who were pledged or bound for each other to keep the Peace and observe the Laws, and if any Offence was done by one, the other nine were to answer it; that is, if the Criminal fled from Justice, they had thirty Days allowed to apprehend him; if he was not taken in that Time, then he who was the *Friburgh*, (that is, the principal Pledge) of the Ten, should take two of his own Number, and the chief Pledges of three neighbouring *Friburghs*, with two others out of each of those *Friburghs*, in all twelve Men, whereof four were to be the Chief, and the other eight were to be of the better Sort, and those were to purge themselves and their *Friburgh*, of the Forfeiture and Flight of the Criminal, which if they could not do, then the principal Pledge, with the other eight to whom he did belong, was to make full Satisfaction; but afterwards it became difficult to get the three neighbouring *Friburghs* to join with the other, and therefore those other nine made Oath that they were not Guilty, and that they would bring the Criminal to Justice as soon as he should be taken. *Bracton*

mentions *Fridburgum, lib. 3. Tract. 2. cap. 10.* in these Words, *Archiepiscopi, Episcopi, Comites & Barones & omnes qui habent Soc. & Sac, Tol & Team, & hujusmodi libertates, milites suos & proprios servientes, Armigeros, &c. Dapiferos, & pincernas, camerarios, coquos, pistoros, sub suo Fridburgo habere debent. Item & isti suos Armigeros & alios sibi servientes; quod si qui forisfecerint, ipsi Domini sui habeant eos ad rectum, & si non habuerint, solvant pro eis forisfacturam. Et sic observandum erit de omnibus aliis qui sunt de alicujus manupastu.* Where we learn the Reason, why great Men were not combined in any ordinary Dozein; because they were a sufficient Assurance for themselves, and for their menial Servants, no less than the Ten were one for another in ordinary Dozeins. See *Skene, verbo Freiborg.* *Fleta* writes it *Friithborgh*, and useth it for the principal Man, or at least for one of the Dozein. *Lib. 1. cap. 47.* See *Hoveden parte poster. Annal. in Hen. 2. fol. 345.* But *Skelman* makes a Difference between *Friborg*, and *Friithborgh*, saying, The first signifies libera securitas, or *fidejussio*; the other *pacis securitas*.

**FRIOMANNUS**. See *Friithmannus*.

**FRIIDSTOLL** and **FRIITHSTOLL**, (from the Saxon *Friith*, *pax*; *Stol*, *sedes, cathedra*; *Stoth*, *locus*) A Seat, Chair or Place of Peace. In the Charter of Immunities granted to the Church of *St. Peter* in *York*, by *Hen. 1.* and confirmed, *An. 5 H. 7.* Thus, — *Quod si aliquis, vesano spiritu agitatus diabolico ausu quemquam capere presumerit, in Cathedra lapidea juxta Altare, quod Angli vocant Fridstoll, i. e. Cathedra quietudinis vel pacis; hujus tam flagitiosi Sacriligii emendatio sub nullo Judicio erat, sub nullo pecunie numero clauderetur, sed apud Anglos Botelce, hoc est, sine emenda, vocabatur.* Of these there were many others in *England*, but, the most famous at *Beverley*, which had this Inscription, *Hac sedes lapidea Freedstoll dicitur, i. e. Pacis Cathedra, ad quam reus fugiendo perueniens, omnimodam habet securitatem.* *Camb.* It signifies also a Palace, which is usually a privileged Place.

**FRIIDWITE** quasi *Ferdwit*: 'Tis a Mulct paid by him who deserted the Army: From the Saxon *Fyrd*, *expeditio*, and *Wite*, *Mulcta*.

**FRIILAZIN**. A Freeman: From the Saxon *Freob*, *liber*, and *Lassen*, *dimittere*.

**FRIILIN**, i. e. A Freeman: From the Sax. *Freob*, *liber* and *Ling*, *progenies*.

**FRIINGELDUM**, The mulct of a Freeman.

**FRIIPERIE** Is deduced from the French *Fripier*, *interpolator*, one that scoureth up and cleanseth old Apparel to sell again: It is used for a Kind of Broker. *Anno 1 Jac. cap. 21.*

**FRIISCE**, Uncultivated Land. *Et de communia Pastura in Friscis & dominicis suis. Monalt. 2 tom pag. 56.*

**FRIISOCNE**. See *Friithsone*.

**FRIITH**, A Wood, from the Sax. *Friith*, *pax*; for the English Saxons held several Woods to be sacred, and made them Sanctuaries.

**FRIITHBORGH**. See *Free borgh*.

**FRIITHBRECH**, *Pacis violatio*, the Breaking of the Peace. *Leg. Ethelredi, cap. 6.* See *Frythe*.

**FRIITHGEAR**. *Inter Leges Prebyterorum Northumbrensum, cap. 48. Si superstitiosus ille conventus qui Friithgear dicitur, habitus fuerit in terra alicujus circa lapidem, arborem, fontem, &c.* Mr. *Somner* thinks it a Sort of *Fubilee*, or Yearly Meeting for Peace and Friendship, from Sax. *Friith*, Peace, and *Gear*, a Year.

**Frithgild**, The same which we now call a Guild-Hall, or a Fraternity or Company.

**Frithmannus**, One who is of a Fraternity or Company.

**Frithmote per Frithmote**, *J. Stanley Arm. clamat capere annuatim de villa de Otton qua est infra feodum & Manerium de Aldford infra forestaria de la mer 10 sol. quos Comites Cestrie ante confessionem curia predicta solebant capere. Pl. in Itin. apud Cestr. 14 H. 7.*

**Frithsorne and Frithsoke**, (*Frith*, i. e. Pax and Socne, Libertas) Tuenda pacis Jurisdictio; or (ac-

cording to *Fleta*) Libertas habendi franci plegii; or, immunitatis locus.

**Fröbozg or Freoburg**, (from the Saxon *Free*, i. e. Free; and *Borge*, i. e. *Fidejussor*.) See *Friburg* and *Frankpledge*.

**Frodmoztel**, rectius **Freomoztel**, (from the Saxon *Free*, Free; and *Morph-dæd*, *Homicidium*) An Immunity or Freedom granted for committing Manslaughter. Et concedo eis curiam suam de omnibus querelis, &c. & judicium suum pro Frodmortell, & quod homines sint credendi per suam Ya & per suum Na. Monast. 1. Tom. pag. 173.

### Charta Adelstani Regis, Sancto Wilfrido de Rippon concessa.

Wyt all that es and es gan,  
 Wat ik King Adelstan  
 As giben als frelith as I may,  
 And to ye Capitel of Seint Wilfrai,  
 Of my free Devotion  
 Wair pees at Rippon;  
 \* Makes it a Sanctuary. On ilke side the \* Wyke a mile,  
 For all ilk deeds and yke agyle;  
 And within wair kirke wate  
 \* Sedes pacis. At ye stan wat \* Grithsokle hate.  
 Within ye Wyke doze and ya quare,  
 Wair habe pees for les and mare.  
 Ilkan of pis sedes sal habe pees  
 Of Frodmortel and ils deeds  
 Wat wair don is, Tol, Tem,  
 \* Fire and Water, Ordeal. With \* Iron and with Water deme,  
 And wat ye Land of Seint Wilfrai  
 Of alkyn \* geld free sal be ay.  
 \* Free from Tax and Tribute. At nai nan at langes me to  
 In wair \* Herpiac sal habe at do;  
 And for ik will at pai be saue  
 \* Frithsokle, or Place of Immunity. I will at pai alkyn freedome habe:  
 And in all things be als free  
 As hert may think, or eygh may see:  
 At te power of a Kinge  
 Ex Monast. Passis make free any thyng.  
 Ang. 1. pag. And my seale habe I sat werto  
 fol. 172. b. For I will at no Pan it undo.

**Froyse**, Among the Customs of the Abbey of Saint Edmondsbury, solemnly declared by the Abbot, Prior, and Convent, 17 Kal. Novemb. 1280.

Quia multoties refectio conventus in Refectorio propter defectum piscium tenuis habetur & exilis, de cetero cibarium illud quod dicitur Froyse certis diebus in refectorio tam pro ferculo quam pro pitantiis prandentibus apponatur, ut ex eo melius reficiantur & recreentur. Cartular. St. Edmundi, MS. penes Joh. Epum Norwic. f. 102. By which we may conclude the old Conventual Froyse was plain Pancakes or Fritters, not fried with Bacon intermixt, as what we still call Froyse is now prepared.

**Frumgild**, Is an old Saxon Word, which signifies the first Paymant made to the Kindred of a slain Person, in Recompence of his Murder. Leg. Edmundi, cap. ultimo.

**Frumstol**, Sedes primaria, The chief Seat or Mansion-House. Leg. Ine Reg. cap. 38.

**Frusca terra**, Uncultivated and desert Ground,

— Fundata fuit Ecclesiola in situ seu fundo

— continente 40 acras terre fruscæ — quas quidem 40 acras — sine aliquo seculari seruitio, sine decimis alicui Ecclesie solvendis, seu subjectione, quia inanes erant & vacuæ — donavit. Mon. Angl. tom. 2. pag. 327.

**Fruscare terram**, To break up new Ground and reduce it in frussuram, into new broke Land

— Idem Galfridus concessit predicto Abbati decem acras terra ad frussandum cum viginti quatuor acris terra que frussata sunt in Baddebury. Salvo predicto Galfrido & heredibus suis communi pastura in predicta frussura post blada asportata. Cartular. Abbat. Glaston. MS. fol. 48. a. Frusrire terram in the same Sense, ibid. f. 90. and Frusretum for a Field new broke up, ibid. fol. 71.

**Frussetum**, A Wood, or woody Ground. Domesday.

**Frussura**, (from the Fr. *Froissure*) A breaking down or demolishing, also a plowing or breaking up, — Dedi eis nonam garbam tam in Frussuris, que de novo fiunt, quam in, &c. Mon. Angl. 2 Par. fol. 394. b. — Nec licebit eis aliquam partem pastura frussire, vel excolere sine licentia. Finalis Concord. in Curia Dom. Regis apud Litchfeld coram Roger. de Thurkilby, &c. Diffam autem nonam garbam dabimus ego & bares mei in perpetuum tam in Frussuris que de novo fiunt, & in Frussuris que de cetero fiunt, &c. Monast. 2 Tom. pag. 394.

Frussa-

**Frustrura** Domozum, House-breaking. *Restatus de latrocinii & frustrura domorum.* Gervas. Dorobern. Sub anno 1195. *Frustrura terræ.* New broke Land, or lately ploughed up. — *Dittam autem nonam garbam dabimus, Ego & heredes mei in perpetuum, tam in frustruris qua de novo sunt, quam in aliis terris Domini mei prius cultis* — Mon. Angl. tom. 2. p. 394.

**Frustrum terræ**, Or, according to Spelman, *Frustrum*, A small Piece of Land, *Residuum quidam præter acras numeratas vel campum mensuratum.* Cum in Domesday *Frustrum terræ accipitur pro ampla portione seorsum a campo villa, Manerio jacenti.* Domesday, Tit. Hantisc. Rex Abedestone. In insula habet Rex unum *Frustrum terræ unde exemit 61 Vomeres.*

**Frutectum**, A Place where Shrubs, or great Herbs with big Stalks grow. — *Damus etiam eisdem decimas de omnibus Novalibus nostris, i. e. De terris quas de paludibus & de frutectis in terram arabileni traximus, per nummos vel per Kirsete.* Mon. Angl. 3 Par. f. 92. a.

**Fryth**. Sir Edward Coke (on Litt. fol. 5. b.) expounds it, a Plain between two Woods, a Lawnd. Chaucer uses it for a Wood. Camden (in his Britton) for an Arm of the Sea, or Streight between two Lands, from *Fretum*. — *Maketh his Issue into the Estuary or Frith of Thames.* Smith (in his England's Improvement) makes it signify all Hedge-wood, except Thorns. How to reconcile these, I know not; but am sure the Saxon *Frith*, signifies Peace, and that *Fryth* in our Records is often used for a Wood. *Lector, tu tibi Oedipus esto.*

**Frythbogh**, from the Sax. *Frith*, i. e. *Pax*, and *Borge*, *sejussor*. — *Et sint quieti de Frythbogh, & de Blodwite, Fithwite, & Ferdwyte, &c.* 4 Pasch. 6 Hen. 4. Rot. 24. It might here signify a Freedom from giving Security of the Peace.

**Frytting of Wheels**, Perhaps what we now call the Rinding of Wheels, i. e. fitting and fastning the *Fellows* (or Pieces of Wood that conjointly make the Circle) upon the *Spokes*, which on the Top are let into the *Fellows*, and at the Bottom into the *Hub*. — *In solutis pro fryttinge quinque rotarum hoc anno vii. denar.* — Paroch. Antiq. p. 574.

**Fuage** or **Forage**, Derived a *foco*: In the Reign of Edward the Third, the black Prince of Wales having *Acquitaine* granted him, laid an Imposition of *Fuage* or *Forage* upon the Subjects of that Dukedom, viz. Twelve-pence for every Fire, called *Herth-Money*, Rot. Parl. 25 E. 3. 'Tis probable our *Herth-Money* took its Original from hence.

**Fuarium**. See *Sidlingi*.

**Fuer**, *Fuga*, from the French *Fuir*, *Fugere*; Though it be a Verb, yet it is used substantively, and is two-fold; *Fuer in fait* (in *facto*) when a Man doth apparently and corporally fly, and *fuer in ley* (in *lege*) when being called in the County he appeareth not, until he be outlawed; for this is Flight in Interpretation of Law, Staund. pl. cor. lib. 3. cap. 22.

**Fuga Catallozum**, A Drove of Cattle. See *Streteward*.

**Fugacia** Signifies a Chase, and is all one with *Chasea*. *Charta Matildis Imperatricis Miloni de Glouc.* — *Præcipio quod hæc omnia teneat de me — libere & quiete, in bosco & plano, in Forestis & Fugaciis, in pratis & pasturis, &c.*

**Fugare & refugare Catallo**, To drive Cattle to and fro, forward and backward. *Antiquit. of Nottinghamshire*, fol. 462.

**Fugare** also signifies to Hunt: *Prohibeo ne quis sine licentia mea Fuger.*

**Fugatio**, *Pro fugandi actu*, Hunting, or the Liberty or Privilege to hunt. *Et Cives habeant Fugationes suas ad fugandum, sicut melius & plenius habuerunt Antecessores eorum, in Chiltre & Middlesex & Surr. &c.* *Charta Libertat. Hen. 1.* Civibus London. *Fugatio Foresta*, the Drift of the Forest.

**Fugatores Carrucarum**, Waggoners who can drive Oxen equally yoked, without beating or goading. *Fleta*, lib. 2. cap. 78. Par. 1.

**Fuquium**, (Fr. *Fougere*) Fern. *Liskiret. Item est ibidem quidem boscus vocat.* Clyne, *qui valet per annum, cum Pannagio, melle, fugerio & Fampno ejusdem, iiii s.* Survey of the Dutchy of Cornwall. *Clauſ. 1 Ed. 3. Par. 2. M. 1. Dorſo.* In an old Forest Book of Sherwood, it is interpreted *Gorsle-grasse*.

**Fugitio**, *Pro Fuga*: *Condonavit omnes Felonias & Fugitiones.* *Knighton, Anno 1537.*

**Fugerium**. John Grey Bishop of Norwich grants to the Prior and Monks of his Cathedral Church this Privilege in his Woods at Thorpe. *Omnes exitu de nemore communi provenientes equaliter dimidiabimus scil. herbagium pannagium, pasturam, bruerium, turbarium, fugerium, Subboscum, radices siccas, placita, forisfacturas, &c.* *Ex Reg. Eccl. Norwic.*

**Fugitives Goods**, *Bona fugitivorum*, Are the proper Goods of him that flieth upon Felony which after the Flight lawfully found, do belong to the King, or Lord of the Manor. *Co. Vol. 6. fol. 109. See Waif.*

**Fuistallum**, i. e. *Vinaria dolia*, viz. *Et de decem junctis salis in wickie, cum duabus salinis & Fuistallo.* *Monast. 2. tom. pag. 89.*

**Fulgeria**, i. e. *Filix*: *Et passuagium in Foresta & herbam & Fulgeriam & juncos ad falcandum.* *Du Cange.*

**Fullum aquæ**, A Stream of Water, a Fleam, such as comes from a Mill.

**Fumage**, *Fumagium*, Dung, or Manuring with Dung, *Et sint quieti de fumagio & Maremio cariendo, &c.* *charta R. 2. Priorat. de Hertland, Pat. 5 E. 4. part 3. m. 13.* But indeed *Fumagium* was properly Smoke-Farthings, or a customary Payment from every House that had a Chimney or Fire-Hearth.

**Fumathoes** or **Fumadoes**, 14 Car. 2. cap. 31. Our Pilchards garbaged, salted, hanged in the Smoke, and pressed, are so called in Italy and Spain, whither they are carried in great Numbers.

**Fumaticum**, The same with *Eocagium*, which see.

**Fundator**, The Founder of a Church, College, Hospital, or other publick Benefaction. This Title in the old religious Houses was equivalent to *Patron*: For it was not only given to the first actual Founder, but continued to those Barons and Knights, who held the Fee of the Site or Endowments of such Monasteries, and by such Tenure had the Patronage or Advowson of them. And if after the Extinction or long Intermision of this Title, any Person could prove his Descent from the first Founder, he was assumed by the Religious to the Name and Honour of their Founder. See Mr. Kennet's Glossary in *Fundator*.

**Funditores**, Used for Pioncers, in *Pat. 10 Edw. 2. M. 1.*

**Furagium**, See *Forrave*. *Ne Furagium capiatur ubicunq; in Com. Cantia ad equos sustentandos in Castello de Dover.* Monast. 1 tom. 22.

**Furbote**, *Furbote*, *Firebote*, A Liberty granted by the Lord to his Tenant, to take Underwood for Fire, or Occasions of burning in his Family. — *Habeant & in boscis meis busbote, & beybote, & furbote.* — Cartular. Abbat. Glaston. MS. f. 36. b.

**Furca**, *Seu Catefuria*, & *fossa*, (i. e. Gallows and Pir.) In ancient Privileges it signified a Jurisdiction of punishing Felons, that is, Men with Hanging; Women with Drowning: Of which last, take this notable Example out of the Records of *Rohester Church*, in the Time of *Gilbert Bishop* there, who flourished under *Richard the First*, Anno 1200.

*Item dux mulieres venerunt in villam de Suffiote, qua furate fuerunt multos pannos in villa de Croindone, & secuti sunt eas homines ejusdem ville de Croindone, quorum pannos furtive asportaverunt, usque in villam de Suffiote, & ibi captæ fuerunt & incarcerata, & habuerunt judicium suum in Curia de Suffiote, ad portandum calidum ferrum, quarum una fuit salva, & altera damnata, unde submersa fuit in Bikepole. Et hoc totum contigit tempore Gilberti Domini Episcopi, & in quolibet judicio fuerunt Coronarii Domini Regis. Et Paulus de Stanes fuit tunc Cacherellus de Hundredo de Acltane. Et per illud tempus Robertus de Hecham Monachus fuit custos de Manerio de Suffiote, & ad mulieres judicandas fuit Dominus Henricus de Cobeham, & alii plures homines, discreti homines de Patria. Fossa is taken away, but Furca remains, says Sir Edward Coke in his 3 Inst. fol. 58. Skene de verbor. signifi. verb. Fossa, hath these Words concerning this Matter. *Exectio furcarum est meri imperii & alta fustitie, & significat Dominium aeris, quia suspensi pendent in aere: Et merum Imperium consistit in quatuor, sicut sunt quatuor elementa: In aere, ut bi qui suspenduntur. In igne, quando quis comburitur propter maleficcium. In aqua, quando quis ponitur in culeo & in mare projicitur ut parricida, vel in amnem immergitur ut Femina furti damnata. In terra, cum quis decapitatur & in terram prosterinitur.**

**Ad Furcam & flagellum**, The meanest of servile Tenure, when the Bondman was at the Disposal of his Lord for Life and Limb. — *Defendens dicit quod non debet facere dotem — quia ipse tenet in villenagie ad furcam & flagillum De Domino suo Richardo de Camoil* — Placit. term. Mich. anno 2 Joh. Rot. 7.

**Furcare**, French *Fourcher*. — *Caveant Vir & Mulier implacitati, quod semper in effonio alterius alter compareat, quamdiu furcare possint, & cum ultra non possint, concurrent eorum effonia in suis locis.* — *Hec autem omnia dico de pluribus Participibus, ubi terra impertita est, seu tenementum; videlicet, de furcatione effonii, & de defaltis provenientibus.* *Radulf de Hengham.* Magna cap. 9. See *Four. b.*

**Furcare ad tassum**, To pitch Corn, in loading a Waggon, or in making a Rick or Mow. *Tenentes debent falcare, spargere, vertere, cumulare, curare in manerium Domini, & ad tassam furcare unam acram prati.*

**Furcare carectam**, I suppose to hang a Waggon or Cart, i. e. to fit the Body of it to hang right upon the Axel and Wheels. — *Allocantur ejusdem pro Richardo Plumbario furcante carectam per xii. dies iii. fol.* — *& pro Johanne Bowden furcante carectam per unam diem 3 d.* — Paroch. Antiquit. p. 550.

**Furchetum**, That Part of the Breast where the Veins coming from the Liver are divided into Forks, that is, where the Breast is largest: *Concessit eidem Comiti, &c. duos damos idoneos quolibet Anno de predicto parco, viz: de utroque damo quatuor membra & caput cum cerio & Forchieto, &c.* Dugd. War. pag. 664.

**Furendellus**, *Fardella*, *Ferlingus*, A *Furendal*, *Fardingel*, *Furundel*, or *Ferling* of Land, i. e. the fourth Part of an Acre, which in *Wiltshire* is still called a *Furdingale*, and in some other Parts a *Furthindale*. Whence in the North, a *Furendale* or *Furundel* of Corn is two Gawns or Gallons, i. e. the fourth Part of a Bushel. See Mr. *Kennet's Glossary*.

**Furigeldum**, A Mulf paid for Theft. Among the Laws of King *Ethelred*, made at *Wantage*, cap. 7. 'tis allowed they shall be Witnesses, *qui nunquam Furigeldum reddiderunt, i. e. who were never accused of Theft or Larceny.*

**Furlong**, *Ferlingum terra*, Is a Quantity of Ground containing in most Places forty Poles, every Pole sixteen Foot and an half in Length; eight of which *Furlongs* make a Mile, Anno 35 E. 1. cap. 6. It is otherwise the eighth Part of an Acre; yet an old Book printed in *Henry the Eighth's* Time, makes 600 Foot, by five-score to the Hundred, a *Furlong*. See *Acre*. In the former Signification, the Romans call it *Stadium*, in the later *Fugerum*: A Pole is in some Places called a *Perch*, and differs in Length according to the Custom of the Country. See *Perch*.

*Furlong* is sometimes used for a Piece of Land of more or less Acres. *Omnibus Christi Fidel.* — *Johannes Blount de Eyre Arm.* — *Dedit Thoma Croft & Francisco Lovel Arm. unum Forlongum terra arabilis continen. per estimationem quatuor Acras, &c.* Dat. 20 Jan. 3 Eliz.

**Furnage**, *Furnagium*, Est tributum quod Domino furni a sectatoribus penditur ob usum furni. For in many Places the Tenants are bound to bake their Bread in the Lord's Oven. Est etiam lucrum seu emolumentum quod Pistori conceditur in Pistionis sumptus & mercedem, & tunc potest Pistor de quolibet quarterio frumenti lucrari 4 Den. & fursur. & duos panes ad furnagium. Assisa panis & cervisie. 51 A. 3. See *Fornagium*.

**Furnarius**, A Baker who keeps an Oven.

**Furniare**, To bake, or put any Thing in the Oven: *Et inveniemus eidem conventui domos competentes & necessarias ad brassandum & Furniandum.* Matt. Paris. Anno 1258.

**Furr**, *Furrura*, Cometh from the French *Fourver*, i. pelliculare, to line with Skins. The Statute 24 H. 8. cap. 13. mentions divers, as *Sable*, which is a rich *Furr*, of Colour between black and brown, being the Skin of a Beast called a *Sable*, of Bigness between a *Polecat*, and an ordinary *Cat*, and shaped like a *Polecat*; bred in *Russia*, but the most and best in *Tartary*. *Lucernes* is the Skin of a Beast so called, being near the Bigness of a Wolf, of Colour between red and brown, something mailed like a *Cat*, and mingled with black Spots; bred in *Muscovia* and *Russia*, and is a very rich *Furr*. *Genet* is the Skin of a Beast so called, of Bigness between a *Cat* and a *Weezle*, mailed like a *Cat*, and of the Nature of a *Cat*; bred in *Spain*, whereof there be two Kinds, black and grey, and the black the more precious *Furr*, having black Spots upon it hardly to be seen. *Foynes* is of Fashion like the *Sable*, bred in *France* for the most part; the Top of the *Fur* is black, and the Ground



Ground whitish. *Marterne* is a Beast very like the Sable, the Skin something courser; it liveth in all Countries that be not too cold, as *England*, *Ireland*, &c. the best be in *Ireland*. *Miniver* is nothing but the Bellies of Squirrels as some say; as others, it is a little Vermin, like unto a Weezle, milk-white, and brought from *Moscovy*. *Fitch* is that which we otherwise call the Pole-cat here in *England*. *Shanks* are the Skin of the Shank or Leg of a Kind of Kid, which beareth the Furr that we call *Budge*. *Calaber* is a little Beast, about the Bigness of a Squirrel, of Colour gray, and bred especially in *High Germany*.

*Furrura*, i. e. *Pellicium*, viz. *Longum Tabardum capucium cum Furrura ad supertunicam & capucium*. Monast. 2 Tom. pag. 646.

*Furst* and *Fondong*, i. e. Time to advise, or to take Counsel, viz. *De quibuscumq; implacitetur aliquis Furst & Fondong habeat*. Leg. H. 1. cap. 46.

*Fustic*, A Kind of Wood, which Dyers use, and is brought from *Barbadoes*, *Jamaica*, &c. Mentioned 12 Car. 2. cap. 18.

*Furta*, A Right or Privilege derived from the King, as prime Lord to try, condemn and execute Thieves and Felons within such Bounds or District of an Honour, Manor, &c. — *clamat habere liberam warrenam & furtam in terris suis* — *quoad predictas furas dicit, quod Dominus H. Rex concessit ei Infangenthes & utfangenthes in omnibus terris suis*. Cartular. Abbat. Glaston, MS. f. 86. b. yet I rather think, it ought to be read *Furca*, and means directly a Gallows.

*Futhwit*. See *Fithwit*.

*Fynderinga*, An Offence or Trespass, for which the Fine or Compensation was reserved to the King's Pleasure, in the Laws of H. 1. cap. 10. *Spelman* would read it *Fynderinga*, and interprets it Treasure-trove, but indeed the Word is truly *Fyrderinga* or *Firdering*, and signified properly a Going out to War, or a Military Expedition at the King's Command, which upon Refusal or Neglect, was punished with a *Fird-wite*, or Mulct at the King's Pleasure. See *Fird-wite*.

*Fpything*, alias *Fpydung*, A military Expedition.

*Fpythwite*, The same with *Fridwit*; viz. a Mulct for deserting the Army.

## G.

**G**abel, (*Gabella*, *Gablum*, *Gahlagium*, Saxon *Gafol*, alias *Gafel*, i. e. *Veſtigal*) hath the same Signification among our old Writers that *Gabelle* hath in *France*: For Mr. *Cambden* in his *Brit.* pag. 213. speaking of *Wallingford*, hath these Words, *Continebat 276 Hagas, i. domos, redditores novem libras de Gablo*. And pag. 228. of *Oxford* these, *Hec urbs reddebat pro felonio & gablo, & aliis consuetudinibus, per annum, Regi quidem viginti libras & sex sectarios mellis, comiti vero Algaro decem libras*. *Gabella*, as *Cassaneus* defines it, *de cons. Burgund.* pag. 119. *est vestigal quod solvitur pro bonis mobilibus, id est, pro iis qua vehuntur, distinguishing it from tributum, quia tributum est proprie quod fisco vel Principi solvatur pro rebus immobilibus*. The Lord *Coke*, in his *Comment upon Littleton*, saith thus, lib. 2. cap. 12. fol. 213. Here note, for the better Understanding of ancient Records, Statutes, Charters, &c. That *Gabel* or *Gavel*, *Gablum*, *Gabellum*, *Gabellatum*, *Gabellatum* and *Gavillatum*, do signify a Rent, Custom, Duty or Service, yielded or done to the King or any

other Lord. But that *Gablum* did as well extend to Money, as to other Things in Kind, is very plain by that Record in *Domesday-Book* in *Windfor* in *Berkshire*, where 'tis said, *Rex Williclmus tenet Windfores in Dominico, Rex Edw. tenuit ibi xx. bidas, &c. Et adhuc sunt in villa C. Hage V. minus; ex his sunt xxvi. quiete de Gablo & de aliis exeunt xxx solid.* And lastly, In the same Book in *Somersetshire*, it is thus expressed in the Title of *Terra Regis*, (which observe) *Rex tenet cedre* (I suppose it is that *Chedder*, so famous for its Cheese) *Rex Edw. tenuit, nunquam Geldavit, nec scitur quot Hide sunt ibi, &c. in Dominico, &c. xx Bord cum xvii. Car. & vii. Gablatores redd. xvii.* These seven *Gablatores* did pay seventeen Shillings, and from their paying of Rent were termed *Gablatores*: To me it seems probable, that this *Gablum* is to be distinguished from a Rent or Payment made upon Contract or Bargain, and hath Relation to such a one as was imposed by the Power and Will of the Lord. And these different Sorts of Payment are passed in *Domesday-Book* under several Expressions, according to the Nature of them; where sometimes it is written, That one *Reddit* to such a one so much, without any other Addition: And this, I believe, was Rent upon Agreement and Contract: Another *Reddit de consuetudine* so much, and a third *Reddit de Gablo*, so much. When *Gabel* is mentioned without any Addition, then it usually signifies the Tax on Salt *propter excellentiam*, but afterwards it was applied to all other Taxes, as *Gabelle de Vins, &c.*

*Gaberdine*, A coarse Coat or Livery: From the Germ. *Gave*, because 'tis usually given to Servants every Year.

*Gablatores*, Those that paid *Gabel*, Rent or Tribute. *Domesday*.

*Gablum*, *Gabulum*, *Gabu'a*, The Head, or End, or extreme Part of a House or Building. The *Gable-head*, the *Gable-end*, &c. — *Quandam particulam terre — extra gabulum molendini octo pedes in latitudine*. Paroch. Antiquit. pag. 201.

— *Qua domus sita est inter gabulum tenementi mei & gabulum tenementi Laurentii Kepebarne*. Ibid. pag. 286. See Mr. *Kennet's Glossary*.

*Gabrantvicozum*, *Portuosus finus*, *Suerby* in *Yorkshire*.

*Gabriel's home*. — *Et Rikihil dit que le demandant en cest brief n'avera Judgment devant ceo que Gabriel uſt ſay ſon Corne*. *Plowden*, fol. 358. a. That is, till the Day of Doom; never.

*Gabzofentum*, *Gateshead* in the Bishoprick of *Durham*.

*Gabulus denariozum*, Rent paid in Money. *Selden of Tithes*, pag. 321.

*Gacum*, Lat. *Remum vel rutabulum vocant*. W. *Thorn*. pag. 2010. speaking of the Monastery of *St. Austin* in *Canterbury*, says *de discis & plateis 3500 de gachis*.

*Gafold-gyld* Is a Saxon Word, signifying the Payment or rendering of Tribute or Custom. Also it sometimes denotes *Usury*.

*Gafol-land* alias *Gafol-land*, *Terra censualis*, Land liable to Tribute or Tax. The Saxon Dictionary calls it *Rented Land*. See *Gavel*.

*Gagac*, *Vadium*, Signifies a Pawn or Pledge, and is derived from the French *Gager*, that is, *ignori dare*. *Glanvil*, lib. 10. cap. 6. saith, *Quandoque res mobiles ponuntur in vadium, quandoque res immobiles; and a little after that, thus, Inodiatur res quandoq;*

*ad terminum, quandoque sine termino; Item quandoque invadiatur res aliqua in mortuo vadio, quandoque non.* And from that Chapter to the End of the twelfth in the same Book, he handleth this one Thing; though the Word *Gage* be retained as it is a Substantive, yet as it is a Verb, Use hath turned the *G.* into a *W.* so as it is oftner written *Wage*, as to *wage Deliverance*, that is, to give Security that a Thing shall be delivered: For if he that distrained, being sued, have not delivered the Cattle that were distrained, then he shall not only avow the Distress, but *gager Deliverance*, that is, put in Sureties that he will deliver the Cattle distrained; *F. N. B. fol. 74 & 67.* yet in some Cases he shall not be tied to his Security, as if the Cattle died in the Pound. *Kitchin, fol. 145.* Or if he claim a Propriety in the Cattle sued for. *Terms de la Ley.* To wage Law, see *Law*; and also see *Mortgage*.

*Gager Deliverance.* See *Gage*.

*Gagle.* See *Gaal*.

*Gager del Ley.* See *Wage*, and *Wager of Law*.

*Gagers.* See *Gawgers*. This Word is mentioned in *12 Car. 2. cap. 4.*

*Gainage* (Lat. *Wainagium*, i. e. *Attus plausfri, vel plausfri apparatus*, French *Gaignage*, i. e. the Gain or Crop of tilled or planted Grounds,) signifies the Draught-Oxen, Horses, Wain, Plough, and Furniture, for carrying on the Work of Tillage by the baser Sort of Sokemen and Villains; and sometimes the Land it self, or the Profit raised by cultivating it. *Bracton, lib. 1. cap. 9.* (speaking of Lords and Servants) says, *Et in hoc legem habet contra Dominos, &c. ut si eos destruant, quod salvum non possit eis esse Wainagium suum.* And again, lib. 3. tract. 2. cap. 1. *Miles & liber homo non amerciabitur nisi secundum modum delicti, secundum quod delictum fuit magnum vel parvum & salvo contentamento suo: Mercator non nisi salva Merchandisa sua, & Villanus non nisi salvo wainagio suo.* For anciently, as it appears both by *Mag. Char. cap. 14.* and other Books, the Villain, when amerced, had his *Wainage* free, to the End the Plough might not stand still: And the Law, for the same Reason, does still allow a like Privilege to the Husbandman, that his Draught-Horses and Oxen are not in many Cases distrainable. This in *Westm. 1. cap. 6. Anno 3 E. 1.* is called *Gaynure*, and again, *cap. 17.* and in *Magna Charta, cap. 14.* it is called *Gainage*. In the *Old. Nat. Brev. fol. 117.* it is termed *Gainor*, in these Words, The Writ of Aiel was *Præcipe*, &c. *quod reddat unam bovatum terre & unam bovatum marisii.* And the Writ was abated for that the Oxbang is always of a Thing that lieth in *Gainor*. This Word was used only concerning arable Land, because they that had it in Occupation, had nothing of it, but the Profit and Fruit raised by their own Pains towards their Subsistence, nor any other Title, but at the Lord's Will. *Gainor*, again in the same Book, *fol. 12.* is used for a Soke-man, that hath such Land in his Occupation. In the 32 Chapter of the *Grand Custumary of Normandy*, *Geigneurs be Agricole, qui terras elemosynatas possident.* And Britton useth *Gainor* for to Plow or Till, *fol. 42 & 65. West. Symbol. part 2. Tit. Recoveries, sect. 3.* hath these Words, *A Præcipe quod reddat* lieth not in *Bovata Marisii.* *13 E. 3. fol. 3.* nor *de seliore terra*, because of the Incertainty; for a *Selion* is a Piece of Land sometimes containing an Acre,

sometimes half an Acre, sometimes more, sometimes less: it lieth not of a Garden, Cottage or Croft. *14 Aff. 13. 8 H. 6. 3. 22 Ed. 4. 13. de Virgata terre, &c.* For they be not in Demesne, but in *Gain*, &c. Lastly, In the Statute of Distresses in the Exchequer, *Anno 15 H. 3.* are these Words, *No Man of Religion, or other, shall be distrained by his Beasts that gain the Land.* See *Wainage*.

*Gainagium*, or *Wainagium*, In the foregoing Account is indeed explained with too much Obscurity, Error and Confusion. For *Gaynage* or *Waynage* was properly no more than all the Plough-tackle, or Implements of Husbandry, without any respect to Gain or Profit; and the Equity of those Proviso's in *Magna Charta, &c.* lay in this Meaning of the Word. The Knight and Freeholder should be amerced, *Salvo contentamento suo, i. e.* saving his Free-Lands and Tenements, which were not to be touched by arbitrary Fine. The Merchant or Trader was to be amerced *salva Merchandisa sua, i. e.* saving his Goods and Stock, which were necessary to carry on his Trade. And so likewise the Villain, the Country-Man, or Plough-Man should be fined or amerced for his Offences, but still *salvo gainagio suo, i. e.* saving all his Plough-geer, and necessary Implements of Husbandry, which if distrained or seized for such Fines or Impositions would disable him from carrying on his Employment of Agriculture; contrary to the fundamental Liberty of Subjects, which was so to be mulcted, or fined, or amerced, as should punish them, but not break them, or undo them.

*Gainery*, (Fr. *Gaignerie*,) Tillage or Tilling, or the Profit raised of Tillage, or of the Beasts used therein. I have seen an old Lease that demised *Omnes terras, pratos & pasturas in M. vulgo vocat. le Gainerie, &c.*

*Gainure*, *West. 1. cap. 6 & 17.* Signifies the same with *gainery*.

*Galea*, A Galley, or swift Ship. *Mat. Paris* calls it *Liburna*. See *Hoveden, pag. 688, 692.*

*Armo caput Galea, pelagus percurre Galea.*

*Galege*, *Galice*, Secmeth to come of the Fr. *Galloches*, which signifieth a Kind of Shoe worn by the Gauls in dirty Weather; and at present the Signification differs not much among us. The Word is used *Anno 4 E. 4. cap. 7.* And *14 & 15 H. 8. cap. 9.* where it is written plainly *Galloches*.

*Galises*, i. e. A Gallery or Church-Porch. *Pryn. Lib. Angl. 3 Tom. pag. 668. Et insuper inveniam unum Sacerdotem missalem, de predicto Sancto, in Ecclesia memorata, in loco qui dicitur la Galiley.*

*Galingal* Is a medicinal Herb, the Nature and Diversity whereof is expressed in *Gerard's Herbal, lib. 3. cap. 22.* The Root of this is mentioned for a Drug to be garbled. *1 Jac. 19.*

*Gallatum*, Whelp Castle in Westmorland.

*Gallaba*, Wallwick in Northumberland.

*Gallena*, Wallingford in Berkshire.

*Galleti*. Mr. Somner was of Opinion that they were *Viri Galeati*; but Knighton doth not mention the Word in that Sense, viz. *In quorum prima acie fuit dominus Galfridus, &c. cum multis Galletis, i. e.* with many Welchmen.

*Galligaskins*,

**Galligaskins**, *i. e.* Wide Hose or Breeches, so called, because used by the *Gascoings*.

**Gallihallpence** Were a Kind of Coin which with *Suskins* and *Dotkins* were forbidden by the Statute of 3 H. 5. 1. They were a *Genoa* Coin, brought in by the *Genoese* Merchants, who trading hither in Gallies, lived commonly in a Lane near *Tower-Street*, and were called *Galley-Men*, landing their Goods at a Place in *Thames-Street* called *Galley-Key*, and trading with their own small Silver Coin called *Galley Half-pence*. See *Stow's Survey of London*, 137. Sir *Francis Bacon* writes them *Gauli-Half-pence*; and, 'tis like, more truly.

**Gallimawstry**, *i. e.* Meal given to *Galley Slaves*.

**Gallivolatium**, a Cockshoot or Cockglade. *Dedi unam Gravam cum Gallivolatio*. *Charta Antiq.* And elsewhere I find *volatium silvestre* in the same Signification. *Item sunt ibidem quatuor volatia silvestria, quae valent per annum 2 s.* Inq. post. mortem *Rog. Mortimer* 22 R. 2.

**Galloches**. See *Galee*.

**Galls** Be a Kind of a hard and round Fruit like a Nut, growing upon the Tree, in Latin called *Galla*: The divers Kinds and Uses whereof *Gerard* expresseth in his *Herbal*, lib. 3. cap. 34. This is a Drug to be garbled. 1 *Fac.* 19.

**Gamberia**, *Gambria*, *Fr.* *Fambiere*. Military Boots, or Defence for the Legs. — *Sed utrum habere possunt Gambrias, & galeas in capitibus, neque lege neque consuetudine invenimus.* *Nic. Upton de Militari Officio*, l. 2. ca. 8.

**Gambeson**, (*Gambesonum*) (*Pat.* 15 Ed. 1. M. 13.) a long Horseman's Coat used in War, which covered the Legs, *Gamba*. — *Ego Johannes Bicondo Testamentum* — *Feo done malmie a Dieu & mon Corps a ensevelir al Abbey de Kirkstede en le Chapel St. Maurice, one mon meleur Cheval, pris de xl. Marks, mon Haubert de Guerre, mes Chancons, mes Couvertures de Fer, mon Gambeyson, ma Targe, one tout mon harneys de Guerre, q. a mon Corps appent, &c.* *Probatum* 10 Cal. Martii, Anno 1303. Or rather a quilted Coat. *Cento, vestimentum ex coactili Lana confectum*, to put under the Armour to make it sit easy. *Fleta*, lib. 1. ca. 24. Par. 12. See *perpunctum*.

*Pestora tot coriis, tot Gambesonibus armant.*

**Gang-Days**, (*Dies Lustrationis*) LL. *Athelstani Regis*. See *Rogation-Week*. *Gang-Week*.

**Gang-weel**. See *Rogation-Week*.

**Gaol**, *Gaola*, Cometh of the French *Geol*, *i. e.* *Caveola*, a Cage for Birds, but is metaphorically used for a Prison; thence cometh the Master of a Prison to be called *Gaoler*, or *Fayler*.

**Gara**, A Measure or small Quantity of Ground.

— *Et in prato juxta Beresford sex acras & duas garas, & in prato de Atreafort sex acras & duas garas, &c.* *Mon. Angl. tom.* 3. Par. 2. pag. 29.

**Garbe** Cometh of the French Word *Garbe*, alias *Gerbe*, *i. e.* *fascis*: It signifies with us a Bundle or Sheaf of Corn, *Charta de Foresta*, cap. 7. And *Garba sagittarum* is a Sheaf of Arrows, containing twenty-four, otherwise called *Shaffa sagittarum*. *Skene, verbo, Garba*. *De omni annona decima garba Deo debita est.* LL. *Edvardi Conf.* cap. 8. It is sometimes used for all manner of Corn and Grain that is usually bound in Sheafs, as *Decima Garbarum*.

*Sic demum decies metens ex aquore Garbas Ternas accipiet qui vincla jugalia nelli.*

**Garba** in some Places is taken for an Handful, *viz.* *Garba aceris fit ex triginta peciis.* *Fleta*, lib. 2. c. 12.

**Garbles**, Anno 21 *Fac.* cap. 19. Signifies the Dust, Soil, or Uncleaness that is severed from Spice, Drugs, &c.

**Garbling of Boxstaves**, Anno 1 R. 3. cap. 11. Is the Sorting or Culling out the Good from the Bad. As *Garbling* of Spice is nothing but to purify it from the Dross and Dust that is mixed with it. It may seem to proceed from the Italian *Garbo*, that is Fineness, Neatness: Thence probably we say, when we see a Man in neat Habit. *He is in a handsome Garb.*

**Garbler of Spices**, 21 *Fac.* cap. 9. Is an Officer of great Antiquity in the City of London, who may enter into any Shop, Warehouse, &c. to view and search Drugs, Spices, &c. and to garble the same, and make them clean.

**Garcinæ**, The Word possibly is so printed by Mistake for *Sarcina*, however it so signifies, the Baggage of an Army. — *Cum certam nostri elegissent Stationem — caviarium quoque (quod Garcinas appellamus) a tergo locassent.* *Walsingham in R.* 2. pag. 242.

**Garcio**, (*Fr.* *Garcon*) a Boy, a Stripling, a Groom. *Pla. Cor.* 21 Ed. 1. *Garcio Stole*, Groom of the Stole to the King, as I find it in a Record, where *Stola* does not signify a Close-Stool, as vulgarly surmised, but a Robe of Honour.

**Garciones** and *Garcinæ*, the Baggage of an Army, so called a *garcionibus* five militum famulis: *Walsingham*, pag. 242. For *Garciones* are those Servants which follow the Camp. *Habeat Garcionem suo servitio semper attendentem.* *Ingulphus*, pa. 886.

**Garco**, *Garcio*, Any poor servile Lad, or Boy Servant. *Fr.* *Garcon*. But it seems of old *Galic*, or British Original: For in the present *Irish* (if there be any Truth in *Toland*) *Garson* is an appellative for any menial Servant. See *Mr. Kennet's Glossary*.

**Garb**, (*Fr.* *Garde*, *Lat.* *Custodia*,) signifies a Custody or Care of Defence, but hath divers Applications; sometimes to those that attend upon the Safety of the Prince, called the *Life-guard*, and *Yeomen of the Guard*; sometimes to such as have the Education and Guardianship of Infants or Ideots; sometimes to a Writ touching Wardship; of which there were three Sorts, one called *Droit de Gard*, the second *Ejectment de Gard*, the third *Ravishment de Gard*. *Fitz. Nat. Br.* f. 139, 140. See *Ward* and *Gardian*.

**Gardebrache**, (*Fr.* *Gardebrace*) a Vambrace or Armor for the Arm. King H. 5. by Charter dated 10 Junii, 17. Regni, granted to Sir *William Bourcier*, *Comitatum de Ewe in Normandy* — *Reddendo dicto Regi & heredibus suis apud Castrum Rothomagi unum Gardebrache ad Festum Sancti Georgii singulis Annis, &c.* *Baronag. Anglie.* 2 Part.

**Gardein de l'Estemary**, (*An.* 17 Car. 1. c. 15.) Warden of the Stannaries.

**Garderoba**. In a private House by *Garderoba*, was meant a Closet, or any small Apartment for hanging up of Cloaths. — *Richardus Abbas & conventus S. Edmundi — concesserunt Johanni Fray totum messuagium — videl. unam aulam cum duobus solariis adjunctis eidem aula cum duobus garderobis ad eadem solaria, — unam parvam cameram cum una garderoba ad eandem.* *Cartular. S. Edmundi.* MS. f. 294.

*ad terminum, quandoque sine termino; Item quandoque invadiatur res aliqua in mortuo vadio, quandoque non.* And from that Chapter to the End of the twelfth in the same Book, he handleth this one Thing; though the Word *Gage* be retained as it is a Substantive, yet as it is a Verb, Use hath turned the *G.* into a *W.* so as it is oftner written *Wage*, as to *wage Deliverance*, that is, to give Security that a Thing shall be delivered: For if he that distrained, being sued, have not delivered the Cattle that were distrained, then he shall not only avow the Distress, but *gager Deliverance*, that is, put in Sureties that he will deliver the Cattle distrained; *F. N. B. fol. 74 & 67.* yet in some Cases he shall not be tied to his Security, as if the Cattle died in the Pound. *Kitchin, fol. 145.* Or if he claim a Propriety in the Cattle sued for. *Terms de la Ley.* To wage Law, see *Law*; and also see *Mortgage*.

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*Gainage* (Lat. *Wainagium*, i. e. *Assus plausfri, vel plausfri apparatus*, French *Gaignage*, i. e. the Gain or Crop of tilled or planted Grounds,) signifies the Draught-Oxen, Horses, Wain, Plough, and Furniture, for carrying on the Work of Tillage by the baser Sort of Sokenen and Villains; and sometimes the Land it self, or the Profit raised by cultivating it. *Bracton, lib. 1. cap. 9.* (speaking of Lords and Servants) says, *Et in hoc legem habet contra Dominos, &c. ut si eos destruant, quod salvum non possit eis esse Wainagium suum.* And again, lib. 3. tract. 2. cap. 1. *Miles & liber homo non amerciabatur nisi secundum modum delicti, secundum quod delictum fuit magnum vel parvum & salvo contentamento suo: Mercator non nisi salva Merchandisa sua, & Villanus non nisi salvo wainagio suo.* For anciently, as it appears both by *Mag. Char. cap. 14.* and other Books, the Villain, when amerced, had his *Wainage* free, to the End the Plough might not stand still: And the Law, for the same Reason, does still allow a like Privilege to the Husbandman, that his Draught-Horses and Oxen are not in many Cases distrainable. This in *Westm. 1. cap. 6. Anno 3 E. 1.* is called *Gaynure*, and again, *cap. 17.* and in *Magna Charta, cap. 14.* it is called *Gainage*. In the *Old. Nat. Brev. fol. 117.* it is termed *Gainor*, in these Words, The Writ of *Aiel* was *Præcipe*, &c. *quod reddat unam bovatum terre & unam bovatum marisii.* And the Writ was abated for that the Oxbang is always of a Thing that lieth in *Gainor*. This Word was used only concerning arable Land, because they that had it in Occupation, had nothing of it, but the Profit and Fruit raised by their own Pains towards their Subsistence, nor any other Title, but at the Lord's Will. *Gainor*, again in the same Book, *fol. 12.* is used for a Soke-man, that hath such Land in his Occupation. In the 32 Chapter of the *Grand Custumary of Normandy*, *Geigneurs be Agricole, qui terras elemosynatas possident.* And *Britton* useth *Gainor* for to Plow or Till, *fol. 42 & 65. West. Symbol. part 2. Tit. Recoveries, sect. 3.* hath these Words, *A Præcipe quod reddat* lieth not in *Bovata Marisii.* *13 E. 3. fol. 3.* nor *de selione terre*, because of the Incertainty; for a *Selion* is a Piece of Land sometimes containing an Acre,

sometimes half an Acre, sometimes more, sometimes less: it lieth not of a Garden, Cottage or Croft. *14 Aff. 13. 8 H. 6. 3. 22 Ed. 4. 13. de Virgata terra, &c.* For they be not in Demesne, but in *Gain*, &c. Lastly, In the Statute of Distresses in the Exchequer, *Anno 15 H. 3.* are these Words, *No Man of Religion, or other, shall be distrained by his Beasts that gain the Land.* See *Wainage*.

*Gainagium*, or *Wainagium*, In the foregoing Account is indeed explained with too much Obscurity, Error and Confusion. For *Gaynage* or *Waynage* was properly no more than all the Plough-tackle, or Implements of Husbandry, without any respect to Gain or Profit; and the Equity of those Proviso's in *Magna Charta, &c.* lay in this Meaning of the Word. The Knight and Frecholder should be amerced, *Salvo contentamento suo, i. e.* saving his Free-Lands and Tenements, which were not to be touched by arbitrary Fine. The Merchant or Trader was to be amerced *salva Merchandisa sua, i. e.* saving his Goods and Stock, which were necessary to carry on his Trade. And so likewise the Villain, the Country-Man, or Plough-Man should be fined or amerced for his Offences, but still *salvo gainagio suo, i. e.* saving all his Plough-geer, and necessary Implements of Husbandry, which if distrained or seized for such Fines or Impositions would disable him from carrying on his Employment of Agriculture; contrary to the fundamental Liberty of Subjects, which was so to be mulcted, or fined, or amerced, as should punish them, but not break them, or undo them.

*Gainery*, (Fr. *Gaignerie*,) Tillage or Tilling, or the Profit raised of Tillage, or of the Beasts used therein. I have seen an old Lease that demised *Omnes terras, pratos & pasturas in M. vulgo vocat. le Gainerie, &c.*

*Gainure*, *West. 1. cap. 6 & 17.* Signifies the same with *gainery*.

*Galea*, A Galley, or swift Ship. *Mat. Paris* calls it *Liburna*. See *Hoveden, pag. 688, 692.*

*Armo caput Galea, pelagus percurro Galea.*

*Galege*, *Galice*, Secmeth to come of the Fr. *Galloches*, which signifieth a Kind of Shoe worn by the Gauls in dirty Weather; and at present the Signification differs not much among us. The Word is used *Anno 4 E. 4. cap. 7.* And *14 & 15 H. 8. cap. 9.* where it is written plainly *Galloches*.

*Galilea*, i. e. A Gallery or Church-Porch. *Pryn. Lib. Angl. 3 Tom. pag. 668. Et insuper inveniam unum Sacerdotem missalem, de predicto Sancto, in Ecclesia memorata, in loco qui dicitur la Galiley.*

*Galingal* Is a medicinal Herb, the Nature and Diversity whereof is expressed in *Gerard's Herbal, lib. 3. cap. 22.* The Root of this is mentioned for a Drug to be garbled. *1 Jac. 19.*

*Gallatum*, Whelp Castle in *Westmorland*.

*Gallaba*, *Wallwick* in *Northumberland*.

*Gallena*, *Wallingford* in *Berkshire*.

*Galleti*. Mr. Somner was of Opinion that they were *Viri Galeati*; but *Knighton* doth not mention the Word in that Sense, viz. *In quorum prima acie fuit dominus Galfridus, &c. cum multis Galletis, i. e.* with many *Welchmen*.

*Galligaskins*,



**Galligaskins**, *i. e.* Wide Hose or Breeches, so called, because used by the *Gaseoings*.

**Gallihallpence** Were a Kind of Coin which with *Suskins* and *Dotkins* were forbidden by the Statute of 3 H. 5. 1. They were a *Genoa* Coin, brought in by the *Genoese* Merchants, who trading hither in Gallies, lived commonly in a Lane near *Tower-Street*, and were called *Galley-Men*, landing their Goods at a Place in *Thames-Street* called *Galley-Key*, and trading with their own small Silver Coin called *Galley Half-pence*. See *Stow's Survey of London*, 137. Sir *Francis Bacon* writes them *Gaul-Half-pence*; and, 'tis like, more truly.

**Gallimawstry**, *i. e.* Meal given to *Galley Slaves*.

**Gallivolatium**, a Cockshoot or Cockglade. *Dedi unam Graviam cum Gallivolatio*. *Charta Antiq.* And elsewhere I find *volatium silvestre* in the same Signification. *Item sunt ibidem quatuor volatia silvestria, quæ valent per annum 2 s.* Inq. post. mortem *Rog. Mortimer* 22 R. 2.

**Galloches**. See *Galee*.

**Galls** Be a Kind of a hard and round Fruit like a Nut, growing upon the Tree, in Latin called *Galla*: The divers Kinds and Uses whereof *Gerard* expresseth in his *Herbal*, lib. 3. cap. 34. This is a Drug to be garbled. 1 *Fac.* 19.

**Gambertia**, *Gambetia*, *Fr. Gambiere*. Military Boots, or Defence for the Legs. — *Sed utrum habere possunt Gambrias, & galeas in capitibus, neque lege neque consuetudine invenimus.* *Nic. Upton de Militari Officio*, l. 2. ca. 8.

**Gambeson**, (*Gambesonum*) (*Pat.* 15 Ed. 1. M. 13.) a long Horseman's Coat used in War, which covered the Legs, *Gamba*. — *Ego Johannes Béccondo Testamentum* — *Feo donec malme a Dieu & mon Corps a ensevelir al Abbey de Kirkstede en le Chapel St. Maurice, one mon meleur Chival, pris de xl. Marks, mon Haubert de Guerre, mes Chancons, mes Couvertures de Fer, mon Gambeyson, ma Targe, que tout mon harneys de Guerre, q. a mon Corps appent, &c.* *Probatum* 10 Cal. Martii, Anno 1303. Or rather a quilted Coat. *Cento, vestimentum ex cordili Lana confectum*, to put under the Armour to make it sit easy. *Fleta*, lib. 1. c. 24. Par. 12. See *perpunctum*.

*Pestora tot coriis, tot Gambesonibus armant.*

**Gang-Day**, (*Dies Lustrationis*) LL. *Athelstani* Regis. See *Rogation-Week*. *Gang-Week*.

**Gang-wreel**. See *Rogation-Week*.

**Gaol**, *Gaola*, Cometh of the French *Geol*, *i. e.* *Caveola*, a Cage for Birds, but is metaphorically used for a Prison; thence cometh the Master of a Prison to be called *Gaoler*, or *Fayler*.

**Gara**, A Measure or small Quantity of Ground.

— *Et in prato juxta Beresford sex acras & duas garas, & in prato de Atresfort sex acras & duas garas, &c.* *Mon. Angl. tom.* 3. Par. 2. pag. 29.

**Garbe** Cometh of the French Word *Garbe*, alias *Gerbe*, *i. e.* *fascis*: It signifies with us a Bundle or Sheaf of Corn, *Charta de Foresta*, cap. 7. And *Garba sagittarum* is a Sheaf of Arrows, containing twenty-four, otherwise called *Spassa sagittarum*. *Skene, verbo, Garba*. *De omni annona decima garba Deo debita est.* LL. *Edvardi Conf.* cap. 8. It is sometimes used for all manner of Corn and Grain that is usually bound in Sheafs, as *Decima Garbarum*.

*Sic demum decies metens ex aquore Garbas Ternas accipiet qui vincla jugalia nescit.*

**Garba** in some Places is taken for an Handful, *viz.* *Garba aceris fit ex triginta peciis.* *Fleta*, lib. 2. c. 12.

**Garbles**, Anno 21 *Fac.* cap. 19. Signifies the Dust, Soil, or Uncleaness that is severed from Spice, Drugs, &c.

**Garbling of Boxstaves**, Anno 1 R. 3. cap. 11. Is the Sorting or Culling out the Good from the Bad. As *Garbling* of Spice is nothing but to purify it from the Dross and Dust that is mixed with it. It may seem to proceed from the Italian *Garbo*, that is Fineness, Neatness: Thence probably we say, when we see a Man in neat Habit. *He is in a handsome Garb.*

**Garbler of Spices**, 21 *Fac.* cap. 9. Is an Officer of great Antiquity in the City of London, who may enter into any Shop, Warehouse, &c. to view and search Drugs, Spices, &c. and to garble the same, and make them clean.

**Garcinæ**, The Word possibly is so printed by Mistake for *Sarcina*, however it so signifies, the Baggage of an Army. — *Cum certam nostri elegissent Stationem — caviagium quoque (quod Garcinas appellamus) a tergo locassent.* *Walsingham in R.* 2. pag. 242.

**Garcio**, (*Fr. Garçon*) a Boy, a Stripling, a Groom. *Pla. Cor.* 21 Ed. 1. *Garcio Stole*, Groom of the Stole to the King, as I find it in a Record, where *Stole* does not signify a Close-Stool, as vulgarly surmised, but a Robe of Honour.

**Garciones** and **Garcinæ**, the Baggage of an Army, so called a *garcionibus* *sive militum famulis*: *Walsingham*, pag. 242. For *Garciones* are those Servants which follow the Camp. *Habeat Garcionem suo servitio semper attendentem.* *Ingulphus*, pa. 886.

**Garco**, **Garcio**, Any poor servile Lad, or Boy Servant. *Fr. Garçon*. But it seems of old *Galic*, or British Original: For in the present *Irish* (if there be any Truth in *Toland*) *Garson* is an appellation for any menial Servant. See *Mr. Kennet's Glossary*.

**Gard**, (*Fr. Garde*, *Lat. Custodia*,) signifies a Custody or Care of Defence, but hath divers Applications; sometimes to those that attend upon the Safety of the Prince, called the *Life-guard*, and *Yeomen of the Guard*; sometimes to such as have the Education and Guardianship of Infants or Ideots; sometimes to a Writ touching Wardship; of which there were three Sorts, one called *Droit de Gard*, the second *Ejectionment de Gard*, the third *Ravishment de Gard*. *Fitz. Nat. Br.* f. 139, 140. See *Ward* and *Gardian*.

**Gardebrache**, (*Fr. Gardebrace*) a Vambrace or Armor for the Arm. King H. 5. by Charter dated 10 Junii, 17 Regni, granted to Sir William Bourcier, *Comitatum de Ewe in Normandy — Reddendo dicto Regi & heredibus suis apud Castrum Rothomagi unum Gardebrache ad Festum Sancti Georgii singulis Annis, &c.* *Baronag. Angliæ.* 1 Part.

**Gardein de l'Estemarr**, (*An.* 17 Car. 1. c. 15.) Warden of the Stannaries.

**Garderoba**. In a private House by *Garderoba*, was meant a Closet, or any small Apartment for hanging up of Cloaths. — *Richardus Abbas & conventus S. Edmundi — concesserunt Johanni Fray totum messuagium — videl. unam aulam cum duobus solaris adjunctis eidem aule cum duabus garderobis ad eadem solaria, — unam parvam cameram cum una garderoba ad eandem.* *Cartular. S. Edmundi.* MS. f. 294.

Garderobe. See *Wardrobe*, and 2 *Inst.* fol. 255.

**GARDIA**, or **GUARDIA**, Is a Word used among the *Fendiffs* for the Latin *Custodia*; & *Guardianus*, seu *guardio*, dicitur ille, cui *custodia commissa est*. Lib. Feudor. 1. Tit. 2. & 11.

**GARDIENE** or **GARDIAN**, *Custos*, Cometh of the French *Gardien*, and yet the German Word *Warden* is nearer to it. It signifies generally him that hath the Charge or Custody of any Person or Thing; but more notoriously him that hath the Education or Protection of such People, as are not of sufficient Discretion to guide themselves and their own Affairs, as Children and Ideots, being indeed as largely extended as *Tutor* and *Curator*, among the *Civilians*; for whereas *Tutor* is he that hath the Government of a Youth, until he come to fourteen Years of Age; and *Curator* he that hath the Disposition and Ordering of his Estate afterwards, until he attain to the Age of five and twenty Years, or he that hath the Charge of a frantick Person during his Lunacy; we use only *Gardian* for both these: And for the better Understanding of the Law in this Point, we are to observe, That a *Tutor* is either *Testamentarius*, or a *Pratore datus ex lege Atilia*; or lastly, *Legitimus*. So we have three Sorts of *Gardians* in *England*; one ordained by the Father in his last Will, another appointed by the Judge, the Third cast upon the Minor by the Law and Custom of the Land: Touching the First, a Man having Goods or Chattels, may appoint a *Gardian* to the Body or Person of his Child, by his last Will and Testament, until he come to the Age of fourteen Years, and so the Disposing and Ordering his Estate so long as he thinks meet, which is commonly to one and twenty Years of Age. The same he may do of Lands not holden in *Capite*, or by Knights-Service. But the ancient Law in this Case is very much altered by the Statute of 13 *Car. 2. cap. 24.* which ordains, that, "Where any Person hath, or shall have any Child or Children under the Age of twenty-one Years, and not married at the Time of his Death, it shall be lawful for the Father of such Child or Children, whether born at the Time of the Decease of the Father, or at that Time *in ventre sa Mere*, or whether such Father be within the Age of twenty-one Years, or of full Age, by Deed executed in his Life-Time, or by his last Will and Testament in Writing, in the Presence of two or more credible Witnesses, to dispose of the Custody and Tuition of such Child or Children, for and during the Time, he, or they, shall remain under Age, or any lesser Time, to any Person or Persons in Possession or Remainder, other than Popish Recusants; and such Disposition shall be good against all Persons claiming such Child, as *Gardian* in *Socage*, or otherwise, &c." But if the Father order no *Gardian* to his Child, the Ordinary may appoint one to manage his Goods and Chattels, till the Age of fourteen Years, at which Time he may choose him another *Gardian*, accordingly as by the Civil Law he may his *Curator*; for we all hold one Rule with the *Civilians* in this Case, and that is *Invito Curator non datur*. And for his Lands the next of Kin on that Side, by which the Land cometh not, shall be *Gardian*, and was heretofore called *Gardian in Socage*. See more of the old Law in this Case. 28 *E. 1. Stat. J.* And *Fortescue de laudibus legum Ang.* cap. 44.

*Staundf. Prærog.* cap. 1. *Old Nat. Brev.* fol. 94. And *Skene de verb. signif. verbo Varda*, from whom you may learn great Affinity, and yet some Difference between the Law of Scotland and Ours in this Point.

**GARDIANE** or **GUARDIAN** of the *Spiritualities*, *Custos Spiritualium vel Spiritualitatis*, Is he to whom the *Spiritual* Jurisdiction of any Diocese is committed, during the Vacancy of the See. 25 *H. 3. 21.* And the *Guardian* of the *Spiritualities* may either be *Guardian in Law*, or *Jure Magistratus*, as the Archbishop is of any Diocese within his Province; or *Guardian* by Delegation, as he whom the Archbishop or Vicar-General doth for the Time depute. 13 *Eliz. cap. 12.*

**GARDIANE** or **GUARDIAN** of the *Peace*, *Custos pacis*. See *Conservator of the Peace*.

**GARDIAN**, or rather **WARDEN** of the *Cinque-Ports*, *Gardianus quinque portuum*, Is a principal Magistrate that hath the Jurisdiction of those Havens in the East Part of *England*, which are commonly called *The Cinque-Ports*, that is, the five Ports or Havens; who there hath all that Jurisdiction that the Lord High Admiral of *England* hath in Places not exempt. And the Reason why one Magistrate was assigned to so few Havens, was, because they, in respect of their Situation, anciently required a more vigilant Care than other Havens, being nearer, and more obvious to Enemies, by the Narrowness of the Sea in those Parts. *Cambden* in his *Brit.* pag. 238. saith, That the *Romans*, after they had settled themselves and their Empire here in *England*, appointed a Magistrate or Governor over those Eastern Parts, whom they called *Comitem litoris Saxonici per Britanniam*; having another that did bear the same Title on the opposite Part of the Sea, whose Office was to fortify and furnish the Sea-Coasts with Munition against the Incursions and Robberies of the *Barbarians*; and farther signifieth his Opinion, That our *Warden of the Cinque-Ports* was first erected among us, in Imitation of that *Roman* Polity. See *Cinque-Ports*.

**GARDYNE** de *Westemary*, Anno 17 *Car. 1. c. 15.* *Warden of the Stannaries*.

**GARDYNE** de *Etglise*, In *English Church-wardens*, Who are Officers chosen in every Parish, to have the Care and Custody of the Church Goods; and they may have an Action for the Goods of the Church, and divers other Things they do for the Benefit of the Church. And by 43 *El. c. 2.* They are to join with the Overseers for making of Rates, and other Provisions for the Poor of the Parish.

**GATE**, Anno 31 *E. 3. c. 8.* Is a coarse Wool full of Hairs, such as groweth about the Pizzle or Shanks of Sheep.

**GARGARATE**, to speak with a loud Voice: *Sed hac verborum deliramenta Francis innata, Gargarando superbia & jactantia reboavit.* *Matt. Paris.* Anno 1252.

**GARIANONUM**, *Yarmouth*.

**GARIENIS FLUVIUS**, the River *Yare* in *Norfolk*.

**GARIOFILLI**, But more truly *Garyophylli*, Is that Sort of Spice we call *Cloves*. There is a Reservation in a Charter of *Hugh de Wygton*, of the Priory of *Leominster*, anno 1283. in these Words, *Salvo heredibus meis post decessum meum uno clavo Gariofil: in predict. festo sancti Mich. pro omni servitio seculari.*

Garlanda, A Chaplet, a Coronet, a Garland.  
— *Coronula aurea, quæ vulgariter Garlanda dicitur, vedimtus. Mat. Paris. an. 1247.*

Garnestura, Garniture, Furniture, Provision, Ammunition, and other Implements of War. — *Significavit Soldanus Regi Francorum, ut sedatis omnibus civitatem Damiatæ cum sustentamentis, quæ garnesturas vulgares appellant, consilius resignaret. Mat. Par. sub anno 1250.*

Garnamentum, Garnish, Trimming, or any way Adorning Cloaths, or wearing Apparel. — *Et cuilibet eorum per annum tres ulnas tela — Et unum Garnamentum laneum quolibet anno. Mon. Angl. tom. 2. p. 321.*

Garnish, As to Garnish the Heir, that is, to warn the Heir. 27 *El. c. 3.*

Garnishee Is taken for the Party in whose Hands Money is attached, within the Liberties of the City of London, so used in the Sheriff of London's Court, because he has had Garnishment or Warning not to pay the Money, but to appear and answer to the Plaintiff-Creditor's Suit.

Garnishment Cometh of the French *Garnir*, i. *instruere*, and in a legal Sense intends a Warning given to one for his Appearance, for the better furnishing of the Cause and Court. For Example, One is sued for the Detinue of certain Evidences and Charters, and saith, That the Evidences were delivered to him not only by the Plaintiff, but another also, and therefore prayeth, that that other may be warned to plead with the Plaintiff, whether the Conditions be performed, yea or no; and in this Petition he is said to pray Garnishment. *New Book of Entries, fol. 212. col. 3. and Termes de la Ley, Crompt. Jur. fol. 211.* Which may be interpreted either warning of that other, or else furnishing of the Court with Parties sufficient thoroughly to determine the Cause, because until he appear and join, the Defendant is, as it were, out of the Court, *F. N. B. fol. 106.* and the Court is not provided of all Parties to the Action. With this agrees *Britton, cap. 28.* where he saith, That Contracts, some be naked and *sans Garnment*, and some furnished, or (to use the literal Signification of the Word) apparelled, but a naked Contract, *Nudum Pactum*, giveth no Action. And therefore it is necessary or needful, that every Obligation be apparelled, which ought to be with these five Sorts of Garnements, &c. Howbeit it is generally used for a Warning in many Places, particularly in *Kit-bin, fol. 6.* *Garnisher le Court*, is to warn the Court; and reasonable Garnishment in the same Place intends reasonable Warning, and again, *fol. 283.* and many other Authors. And in the Stat. 27 *El. cap. 2.* upon a Garnishment, or two *Nichills* returned, &c. But this may well be thought a Metonymy of the Effect, because by the Warning of Parties, the Court is furnished and adorned.

Garniture, (*Garnistura*) a Furnishing or Providing; *Garnistura Castri de Mountgomer.*

*Et in vadiis 24 hominum ibidem existen. pro salvo custodia dicti Castri tempore Insurrectionis & Rebellionis Wallicorum cum Oweno Glyndourdw, fingente se esse Principem Wallie, ex parte diaboli, & cum diversis Wallicis sibi adhaerentibus pro tempore, per ordinac. Hugonis Domini Burnel, Johannis Burley & Thoma Yonge, Justiciar. Pacis Comitatus Salopie, &c. Computus Joh. Seys Receptor. Denar. Domini Hen. Percey & Sociorum, &c. Anno 1 H. 4. Penes*

*Edw. Harley Mil. Balnei.* The Word also occurs in *Pat. 17 E. 3. Pars 1. Dorf. 27.*

Garrentp. See *Warranty.*

Garrenna, A Warren. *Johannes Episcopus Elyens. &c. Noveritis nos concessisse dilecto Servitori nostro Thoma de Fardham — officium custodie garrenne nostre de Brandon in com. Suff. — Prout alii custodes garrenne nostre, &c. dat. 12. Sept. 1421. Cartular. Eccl. Elyen. MS. penes Joh. Episc. Norwic. MS. f. 50.*

Garsumment, A Fine or Amerciameut. See *Domesday*; 'tis written in *Spelman Gloss. Gersuma.*

Garter, *Garterium*, In French *Fartier*, i. *Periscelis*; signifies with us, both in divers Statutes and otherwise, one especial Garter, being the honourable Ensign of a great and noble Society of Knights, called *Knights of the Garter*, and this is κα' εἰσολω, as being of all others the most excellent. This high Order, as appeareth by *Mr. Cambden 211.* and many others, was first instituted by the famous King Edward the Third, in the 23d Year of his Reign, upon good Success in a Skirmish, wherein the King's Garter (as it is said) was used for a Token: 'Tis true, *Polydore Virg.* gives it a more slight Original, but his Grounds, by his own Confession, grew from the vulgar Opinion; however take it as it is. *Edward the Third, King of England* (says he) after he had obtained many great Victories, the Kings of France and Scotland being both Prisoners in the Tower of London at one Time: King Henry of Castile, the Bastard expelled, and Don Pedro restored by the Prince of Wales, did, upon no weighty Occasion, first erect this Order in 1350. viz. He dancing with the Queen, and other Ladies of the Court, took up a Garter that happened to fall from one of them, whereat some of the Lords smiling, the King said, That ere it were long he would make that Garter to be of high Reputation, and shortly after instituted this Order of the Blue Garter, which every Companion of the Order is bound daily to wear, being richly decked with Gold and precious Stones, and having these Words fixt on it, *HONI SOIT QUI MAL Y PENSE*, which is commonly thus interpreted, *Evil to him that Evil thinketh*; or rather thus, *To him be it that Evil thinketh.* Ferne in his *Glory of Generosity, fol. 120.* agrees with *Cambden*, and more particularly sets down the Victories by which this Order was occasioned. We will not (it being none of our Work) insist upon the Cause of its Beginning, [but leave you for the Search thereof to an ingenious and most laborious Piece of Work concerning this Matter, given to the World by *Elias Ashmole Esquire,*] but how or whatever the Beginning was, the Order is inferior to none in the World, consisting of twenty-six Martial and Heroical Nobles, whereof the King of England is the Sovereign, and the rest be either Nobles of the Realm, or Princes of other Countries, Friends and Allies of this Kingdom: The Honour being such, as Emperors and Kings of other Nations have desired, and thankfully accepted. He that will read more, let him converse with *Mr. Cambden, Polydore, Ferne*, and the foresaid *Mr. Ashmole's Books.* The Ceremonies of the Chapter proceeding to Election, of the Investiture and Robes, Installation, and Vow with all other Observations, see *Mr. Segar's Honour Military and Civil, lib. 2. cap. 9. f. 65.* and the same *Mr. Ashmole.* Garter also signifieth the



Principal King of Arms among our *English* Heralds, created by King *Henry* the Fifth, *Stow*, pag. 584. and mentioned 14 *Car.* 2. cap. 33. See *Herald*.

*Garth* Signifieth a little Backside or Close in the North of *England*. Also a Dam or Wear in a River, for the catching of Fish, vulgarly call'd a *Fishgarth*. It seems to be an ancient *British* Word, for *Gardd* in that Language signifies *Garden*, the two *d*'s being liquified in the Pronunciation like *th*.

*Garthman*, 13 *R.* 2. Stat. 1. cap. 19. & 17 *R.* 2. cap. 9. It is ordained, That no Fisher in *Garthman* shall use any Nets or Engines to destroy the Fry of Fish, &c. whereby it seems to intend one that owns an open Wear where Fish are caught: We may haply derive it from the *Scotch* Word *Gart*, that signifies compelled or enforced, because the Fish are forced by the Wear to pass in at a Loop, where they are caught.

*Gavel* Signifies Tribute, Toll, Custom, yearly Rent, Payment or Revenue; of which we had of old several Kinds, *Gavel-Corn*, *Gavel-Malt*, *Oat-gavel*, *Gavel-Fodder*, as you may read in Mr. *Fab. Philips's* Book, stiled *The Mistaken Recompence*, f. 39, 40. And *Taylor's History* of *Gavel-kind*, pag. 26, 27, & 102.

*Garwyte*, the same with *Wardwyte*. *Mon.* 2. *Tom.* pag. 283. Et sint quieti de scira, de Hundredo, de Danegeldis, de blodwite & Garwite, &c.

*Gastaldus*, A Governor of a County or City, whose Office was only temporary, and who had Jurisdiction over the Common People. *Episcopus* alique Regis & *Gastaldi* Angliam spoliabant. *Ordericus Vitalis*. Lib. 10. pag. 773. and in another Place, viz. lib. 12. pag. 876. Dolentes quod tanta rabies Gastaldorum super incolas grassaretur.

*Gate*, this Syllable in the Names of Places, signifies a Way or Path, from the Sax. *Geat*, i. e. *Porta*, for which Reason it sometimes signifies a *Gate*.

*Gavellet* Is a special and ancient Kind of *Cessavit* used in *Kent*, where the Custom of *Gavel-kind* continueth, whereby the Tenant shall forfeit his Lands and Tenements to the Lord, of whom he holdeth, if he withdraw from him his due Rent and Services, which is due after this Manner. If any Tenant in *Gavel-kind* withhold his Rents and Services, let the Lord seek by the Award of his Court from three Weeks to three Weeks, to find some Distress upon the Tenement until the fourth Court, always with Witnesses; and if within that Time he can find no Distress on that Tenement, whereby he may have Justice of his Tenant, then at the fourth Court let it be awarded, that he take that Tenement into his Hand in the Name of a Distress, as if it were an Ox or a Cow; and let him keep it a Year and a Day in his Hand without manuring: In which Time, if the Tenant come and pay his Arrearages, and make him reasonable Amends, let him re-enjoy it; but if he come not in that Time, then let the Lord go to the next County-Court, with his Witnesses of his own Court, and pronounce there his Process; and by the Award of his Court (after the County-Court holden) he shall enter, and manure those Lands and Tenements as his own; and if the Tenant come afterwards, and will re-have his Tenements, and hold them as he did before, let him make Agreement with the Lord according as it is anciently said.

*Negehesth* selde & negehesth geld, & v l. for his Were, er he become healden, i.

Has he not since any Thing given, nor any Thing paid,  
Then let him pay 5 l. for his *Werez*, ere he become healden again.

Other Copies have the first Part thus written and expounded,

*Nigondesth* yeld & nigonstith geld.

Let him nine Times pay, and nine Times repay.

See hercof 10 *H.* 3. *Fitz. cessavit* 60. and the Statute of *Gavelet*, where it appeareth to be a Writ used in the *Hustings* at *London*. And *Fleta* says, It is used in other Liberties, lib. 3. c. 55. In the Collection of Statutes, *London* 2. is Matter much tending to this Purpose, That by this Word *Gavelet*, the Lord shall have the Land for the ceasing of the Tenant. Mr. *S.* in his 31 page Of the History of *Gavel-kind*, hath these Words, *Et postea per quandam consuetudinem qua vocatur Gavelete, usitatam in comitatu isto, (viz. Kanc.) de terris & tenementis de Gavel-kind, pro redditibus & servitiis qua aretro fuerint de eisdem, per plures annos, devenerunt eadem terra in manus cujusdam Abbatis, &c.* Now this Consuetudo de *Gavelet* (as he further adds) was not a Rent or Service, but betokeneth a Rent or Service withheld, denied, or detained, causing the Forfeiture of the Tenement to the Lord; with which agrees the Lord *Coke*, where he says, *Gaveletum* is as much as to say, to cease, or to let to pay the Rent. *Brevi de gaveleto in London, est breve de Cessavit in Biennium, &c. pro redditu ibidem, quia tenementa fuerunt indistingibilia.* So that this Writ lay in *London* as well as *Kent*.

*Gavelgeld*, That pays Tribute or Toll. In qua terra sunt quinque Tosta, & solunt *Gavelgeld* Ballivis Eborum. *Mon. Angl.* Vol. 3.

*Gavelherd*. *Grex ad censum.*

*Gaveling-men*, Tenants who paid a reserved Rent, besides some customary Duties to be done by them. — *Merksbury reddit in gable sex libras, in dono xx. sol.* — *Gaveling-men sunt ibi xii. quorum quilibet debet coarctare qualibet septimana dimidiam acram, & predicti Gaveling-men debent cotidie operari inter vincula S. Petri & Festum S. Michaelis, &c.* *Cartular. Abbat. Glasston.* MS. f. 38. b.

*Gavelherthe*, *Gavelerth*, The Duty or Work of ploughing so much Earth, or Ground, done by the customary Tenant for his Lord.

*Item respondet de 35 acris de consuetudine arandi, Gavelherthe.* — *Item sunt ibi quinque jugera, quodlibet arabit unam dimidiam acram ad semen frumenti, & seminabit, & herciabit, & vocatur istud opus Gavelerth.* *Somner of Gavel-kind*, p. 17.

*Gavelbred*, *Corn*, — Rent, or Provision of Bread, reserved from the Tenant to be paid in Kind. *Allocantur per annum pro gavelbred ad herdemet tres summa & dimid.* — *In pane ad gavelbred, de consuetudine arantium & metentium duas summas.* — *Somner of Gavel-kind*, pag. 25.



**Gavelkind**, **Gavelgids**, That yields Rent, or annual Profit. — *Si autem in gavelgida, id est, in gablum reddente domo pugna fiat, vel in gebures 30 sol. culpa iudicetur. Leges Inæ Regis West-Saxon, cap. 6. — Idem Radulfus tenet unum tōstūm — & non dat Gavelgeld. Mon. Angl. tom. 3. p. 155.*

**Gavel-kind** Is by Mr. Lambard in his *Exposition of Saxon Words*, verbo *Terra de scripto*, compounded of three Saxon Words, *Gyfe*, *Eal*, *Cyn*; *Omnibus cognatione proximis data*. But *Verségan* in his *Refutation of decayed Intelligence*, c. 3. Calls it *Gavel-kind*, quasi, give all Kind, that is, give to each Child his Part. But *Taylor* in his *History of Gavel-kind*, would derive it from the British *Gafael*, a Hold or Tenure, and *Cemee* or *Cemedh*, *Generatio aut familia*, and so *Gavel-cenedh* might signify *Tenura generationis*, pag. 92, & 132. But whatever is the true Etymology, it signifies in Law a Custom, whereby the Land of the Father is equally divided at his Death among all his Sons, or the Land of the Brother equally divided at his Death among all his Brethren, if he have no Issue of his own. *Kitchin*, f. 107.

*Teutonicis præcis patrios succedit in agros  
Mascula stirps omnis, ne foret ulla potens.*

This Custom is still in Force in divers Places of England, but especially in *Kent*, *Urchensfield* in *Herefordshire*, and elsewhere, though with some Difference; but by the Statute of 35 H. 8. c. 26. All *Gavel-kind* Land in *Wales* are made descendible to the Heirs, according to the Course of the Common Law. *Cambden* in his *Britannia*, p. 239. saith in express Words, *Cantiani* et *Gulielmo Normanno se dederunt, ut patrias consuetudines illas retinerent, illamque imprimis quam Gavel-kind nominant. Haec terra quæ eo nomine censetur, liberis masculis ex æquis portionibus dividuntur, vel feminis, si masculi non fuerint, adding withal worth the Noting, viz. *Hanc hereditatem cum quintumdecimum annum attigerint, adeunt, & sine Domini consensu, cuilibet vel dando vel vendendo, alienare licet. Hac filii parentibus furti damnatis in id genus fundi, &c.* It appears by 18 H. 6. c. 3. that in those Days there were not above thirty or forty Persons in *Kent* that held by any other Tenure, but it was altered afterwards in much Land in that County, upon the Petition of several Gentlemen there, by a Statute made 31 H. 8. c. 3. See *Lambard's Perambulation of Kent*, *Somner's Discourse* on this Subject, [*Taylor's History of Gavel-kind.*] *Vide etiam Termes de Ley*, and *Gavellet*. In *Mon. Angl. 2. par. fol. 640.* you may read thus, — *Dedi totam terram, quam vendidit mihi Michael de Turnham sicut suum liberum Gavilikind & Stoikind, ad fundandum ibi Domum Religionis, &c.* — In *Gavel-kind*, though the Father be hanged, the Son shall inherit; for their Custom is, The Father to the Bough, the Son to the Plough. *Doffor and Student*, ca. 10. Co. on *Litt. lib. 2. ca. 10. sect. 165.* and Co. 9 *Rep. Shelley's Case*. Our Ancestors held their Lands by Writing, or without. Those which were held by Writing were called *Bockland*, whose Owners were Men whom we now call *Freeholders*. That which was held without Writing was called *Folcland*, and the Owners were of servile Condition, and were possessed *ad voluntatem Domini*. But the Inheritance or *Freehold* did not in those Days descend to the eldest Son, but to all alike; which in Saxon was called *Lande Seyfin*,*

and in *Kent*, To thise Land; from whence came the Custom of *Gavel-kind*. And the Reason why it was retained in *Kent*, and no where else, is, because the *Kentishmen* were not conquered by the Normans: For *Stigand*, the Archbishop of *Canterbury*, and one *Egelsine*, an Abbot, who commanded the Forces in that County, ordered every Man to march with Boughs in their Hands, which they did, and met the Conqueror at *Swinsford*, where the Archbishop and Abbot acquainted him with their Resolution of standing and falling in Defence of the Laws of their Country; and he imagining himself to be encompassed in a Wood, granted that they and their Posterity should enjoy their Rights, Liberties, and Laws; some of which, as particularly this of *Gavelkind*, continues to this very Day.

**Gavelman** Is a Tenant who is liable to Tribute. *Villani de Terring qui vocantur Gavelmanni. Somner, Gavelkind, p. 23.*

**Gavelmed**, The Duty or Work of mowing of Grass, or cutting Meadow-Land, required by the Lord from his customary Tenant. — *Consuetudo falcandi quæ vocatur Gavelmed* — *Somner of Gavelkind. Append. — Et pro una septimana dum falcatur stipula quæ vocatur Gavelmed. ib.*

**Gaveloccs**, **Javelins**, **Darts**, the Syllable *Ga* being the same with *Fa*, and so derived from *Faculum*. *Frisones igitur — ipsum Willielmum tam jaculis, quæ vulgariter Gaveloccs appellant, quorum maxime notitiam habent & usum — hostiliter insequuntur. Mat. Par. sub anno 1256.*

**Gavelreap**, **Bedreap**, or Duty of reaping at the Bid or command of the Lord. — *De consuetudine metendi 40 acras & dimidiam de Gavelryp in Autumno 40. sol. 6. denar. Somner of Gavelkind, p. 19, 21.*

**Gannarium**, **Wainage**, **Plough-rackle**, or Implements of Husbandry: The same with *Gainagium* and *Wainagium*. — *Ita quod nihil ex nunc remanet in manu dicti Prioris in sustentationem sui, nisi tantum gaymaria (legè gaynaria) manerii predicti cum proficuis prænominatis. Mon. Angl. Tom. 1. p. 603.*

**Gavelrip**, see *Gavelrep*.

**Gavelsester**, (*Sax.*) *Sextarius vestigalis*; (*Cervisia* scilicet *sextarius Manerii vel predii Domino ab usufructuariis cervisiam coquentibus, census vel vestigalis nomine, pendendus*,) is a certain Measure of Rent-Ale. Among the Articles to be charged on the Stewards and Bailiffs of the Church of *Canterbury's* Manors, this of old was one, *De Gavelsester cujuslibet braci ni braciati infra libertatem Maneriorum viz. unam Lagenam & dimidiam Cervisia*. We may find it elsewhere under the Name, of *Tokester* thus, *De Tolcester cervisia, hoc est, de quolibet bracino per unum annum lagenam de cervisia*, and is without dispute the same. In lieu of which the Abbot of *Abingdon*, of Custom, received that Penny mentioned by *Selden* in his *Dissertation* annexed to *Fleta*, cap. 8. num. 3. and there (I believe) misprinted *Colchester Penny* for *Tolkester Penny*. Nor differs it (I think) from what in the *Glossary*, at the End of H. 1. *Laebis*, is called *Oak gavel. Sax. Dist. and see Tolsester.*

**Gavelswan**. *Porcarius ad Censum.*

**Gavelweek** (*Sax.*) was either *Manuopera* by the Person of the Tenant, or *Carropera* by his Carts or Carriages. *Mr. Phil. of Pürveyane.*

**Gaugetum**, A Gauge or Gauging, done by the Gaugeator or Gäger. *Litera clause 55 H. 3. de Doli-*

*Doliorum mensura* & *gaugeto* Mercatorum Burdegali. & de gaugeatoris feodo, & denarium prodolio, scil. obolum ab emptore, & obolum a venditore. Mandetur per breve de Canc. quod omnia ligna de doliis vinorum fiant de cetero de recto Gaugeo Anglicano. Rot. Parl. 35 Ed. 1. of the true English Gauge.

*Gaugeor* or *Gager*, Gaugeator, Comes of the French *Gauchir*, i. in gyrum torquere; and signifies with us an Officer of the King's, appointed to examine all Tuns, Pipes, Hogheads, Barrels, and Tertia's of Wine, Beer, Ale, Oil, Honey, Butter, and give them a Mark of Allowance, before they be sold in any Place. And because this Mark is a Circle, made with an Iron Instrument for that Purpose; it seems that from thence he taketh his Name. Of this Office you may find many Statutes, the first whereof is in 27 E. 3. commonly called the Statute of Provision or Purveyors, cap. 8. The others are 4 R. 2. cap. 1. 18 H. 6. 17. 23 H. 6. 16. 1 R. 3. 13. 28 H. 8. 14. And lastly, 12 Car. 2. cap. 4.

*Gauge-penny* May be thought to be the Gaugeer's Fee, by Anno 23 H. 6. cap. 16.

*Gaphound*, a Hound which never caught a Hare.

*Gaymaria*, the same with *Wainagium*. Ita quod nihil ex nunc remanet in manu ejus, nisi tantum Gaymaria Marerii pradii. Mon. Angl. Vol. 1. f. 603. b. *Quare*.

*Geaspecia*. In a Charter of the Privileges of New-Castle upon Tyne, renewed Anno 30 El. we read, viz. Sturges, Balenas, Cetas, Porpecias, (i. e. Porpoises,) Delphinos, Riggos, Geaspeccias, i. e. Grampois.

*Geburfcir*, *Geburfcipa*, Neighbourhood, or adjoining District. — vel jusjurandum inveniat, si possit, in quo repetenti satisfiat; si non possit, nominentur ei sex homines de eadem geburfcipa, in qua ille residens est. Leges Edw. Confess. c. 1. de Perjuris, p. 2.

*Geburus*, A Country Neighbour, or Inhabitant of the same *Geburfcip*, or Village. Sax. *Gebure*, a Carl, Ploughman, or Farmer.

*Geld*, *Geldum*, Among the Saxons signified, pecunia vel tributum, also the Compensation for a Crime: Hence, in our ancient Laws *Wergeld* was used for the Value of a Man slain, and *Orsgeld* of a Beast. Et sint quieti de Geldis, & Danegeldis, & Hornegeldis & Forgeldis, & de Blodwita, & Fitawita, & Flitwita, & Leirwita & Heinwita, & Fremenesuda, & Werd-penny, & Awer-penny, & Toling-penny. Charta Rich. 2. Priorat. de Hertland in Devon. Pat. 5 E. 4. part. 3. m. 13. See *Gilde*.

*Geldable*. See *Gildable*.

*Gemote* Is a Saxon Word signifying *Conventus*, an Assembly: 'Tis used in the Laws of Edward the Confessor, cap. 35. for a Court, viz. Omnis homo pacem habeat eundo ad gemotum & rediens de gemoto, nisi probatus fur fuerit. See *Mote*.

*Geneath*, (Sax.) *Reftius*, *Geneath Villanus*, *Villanus*, *Firmarius*. L. Inx. MS. c. 19. Regis Geneath, i. e. Villanus Regius.

*Genectum*. — Percipiant decimas agnorum, lane, — lini, canabi, genecti, corporum piscationum, pastura, — Charta Joh. Archiepiscopi Cant. apud Will. Thorn. p. 2112. Mr. Somner takes it for *genista*, Broom.

*General Issue*. See *Issue*.

*Generatio*, When a Mother Abbey or old Religious House had spread it self into several Colonies or depending Cells, that Issue or Off-spring, as it were, of the Mother-Monastery was called

*Generatio*, quasi proles & soboles Matricis Domus. Questio prioratus inter Abbatem de Waverle & Abbatem Furnessii terminatur hoc modo, videlicet quod Abbas de Furnessio habeat prioratum in tota generatione Elcemofynæ in Anglia, & in generatione Saviniaci in Anglia tantum. Abbas autem Waverle habeat prioratum ubique tam in congregationibus Abbatum quam fuerint per Angliam, quam alias per ordinem universum. Annual. Waverl. 1232.

*Generale*. The single Commons, or ordinary Provision of the Religious were called *Generale*, as their general Allowance, distinguished from their *Pietantia* or *Pittances*, which upon extraordinary Occasions were added as *Over-Commons*. Among the Observance of the *Cluniae* Monks, they are thus described, — Generale appellamus quod singulis in singulis datur scutellis: Pietantia quod in una scutella duobus. And among the Customs of the Abbey of Glastonbury, we have this Account. —

In prioratis diebus, videlicet, dominica die, die Martis, die Jovis, & Sabbato, tria generalia ad refectorem habuerant Fratres, & duas pietantias, ceteris vero diebus, scilicet, feria secunda, feria quarta, & sexta, duo generalia & tres pietantias. Chartular. Glaston. MS. f. 10.

*Genprosa* Seems of late to be a good Addition; for if a Gentlewoman be named *Spinster* in any Original Writ, Appeal or Indictment, she may abate, and quash the same. 2 Inst. fol. 668.

*Genesta*, Broom. See *Faun*. Percipiant decimas agnorum, lane, lini, canapi, Genesti. Thorn, pag. 2112.

*Genets* alias *Tenets*. See *Furr*.

*Gentleman*, *Generosus*, Is an irregular Compound of two Languages, the one from the French *Gentil*, that is, *Honestus*, vel *honesto loco natus*; the other from the Saxon *Man*, as if you say, a Man well born. The Italian followeth the very Word, calling those *Gentilhuomini*, whom we call *Gentlemen*. The Spaniard keepeth the Meaning, calling him *Hidalgo* or *Hijo d'algo*, that is, the Son of some Man, or of a Man of Reckoning: The French also call him *Gentilhomme*. So that *Gentlemen* be those, whom their Blood and Race doth make noble and known: In Greek they are *Eὐγενῆς*, in Latin *Nobiles*. Smith de Rep. Ang. lib. 1. cap. 10. Under this Name are comprised all above Yeomen, so that Noblemen be truly called *Gentlemen*; but by the Course and Custom of England, Nobility is either *Major* or *Minor*; the greater contains all the Degrees from Knights upward, the Lesser, all from Barons downwards. Smith ubi supra, cap. 21. The Reason of the Name may grow from this, that they observe *gentilitatem suam*, that is, the Race and Propagation of their Blood, by giving of Arms, which the common Sort neither doth, nor may do; for by the Coat that a Gentleman giveth, he is known to be, or not to be descended from those of his Name, that lived many Hundred Years since. Gentiles homines, see in Tiraquel de Nobilitate, cap. 2. pag. 53. Cicero in his *Topicks* of this Matter, speaks thus, *Gentiles sunt qui inter se eodem sunt nomine ab ingenuis oriundi, quorum majorum nemo servitutem servavit, qui capite non sunt diminuti*. And in the first Book of his *Tus.* *Quest.* he calleth *Tullus Hostilius*, one of the Kings of Rome, *Gentilem suum*. These Words, *gentilis homo*, for a Gentleman, was adjudged a good Addition. Hill. 27 E. 3. The Addition of Knight is ancient, but of *Esquire* or *Gentleman* rare before the First of H. 5. c. 5. See 2. par. Inst. f. 595, & 667. Where

Where we read *John Kingston* made a Gentleman by King Richard II. Pat. 13 R. 2. Part 1. M. 13. intus.

**Genui**, i. e. Generation. *Successit Ethelbaldo Offa quinto Genui.* Malmsh. lib. 1. c. 4.

**Genumia**, North Wales.

**George Noble**, A Piece of Gold current at six Shillings eight Pence in 1 H. 8. when by Indenture of the Mint one Pound-weight of Gold was to be coined into eighty-one George Nobles. Vid. Lownde's Essay upon Coins, pag. 41.

**Gernat**, a Clown, or Villain. *Gernobadatus.* See *Grani*.

**Gersuma**, (Sax. *Gersuma*, i. e. *Sumptus*, *præmium*.) In ancient Charters it is used for an Income; as, *Sciatis me A. pro tot libris, quas B. mihi dedit in Gersumam, dedisse, concessisse, &c.* Sometimes for a Fine for a Fault; as, *Gersumam capere de Natioa vestra impregnata sine licentia vestra, quod dicitur Childwit.* In *Matth. Paris.* it is written *Gersoma*. *Datis Abbati tribus maris auri in Gersoma*, i. e. *Pro Fine*. And in Scotland *Gersume*. Sometimes 'tis taken for any Exaction or Demand; as, *Abque retinentia cuiuslibet consuetudinis sive servitii, is, sive alicujus Gersumæ, aut secularis exactionis.* Mon. Ang. 2 Tom. pag. 973.

**Gersumarius**, Finable, or liable to be mulcted, fined or amerced at Discretion of the Lord. —

*In Berton parva — sunt tres Coesles quorum quilibet operabitur semel in hebdomada & metet in Autumno unam acram de blado hiemali vel tres rodas ordeis. Dominus habebit tres hederepes, si voluerit, ad cibum suum. Omnes sunt Gersummani ad voluntatem Domini.* Cartular. S. Edm. MS. f. 103.

**Gersumund**, Assembled.

**Gest**, (French *Gist*.) A Lodging, or Stage of Rest in a Journey or Progress. As in the Progress of E. 6. A. D. 1552. when the *Gests*, (i. e. the Stages of his Majesty's Progress) were altered, Archbishop *Cranmer* entreated Cecil to send him the new resolved — upon *Gests*, that he might from Time to Time know where his Majesty was. *Strype* Memor. Archbishop *Cranmer*, p. 283.

**Gesta**, *Gestum*, *Gest*, Yeast, Barm, for working of Beer, or Ale. — *Ita quod Pistores poterunt sic vendere, & in quolibet quartario lucrari tres denarios, exceptis brennio & duobus panibus ad furnarium — & in sale obolum, & in gesta obolum, & in candela quadrantem.* Mat. Par. sub anno 1202.

**Gestu & fama** Is a Writ now out of Use. *Lamb. Eiren. lib. 4. c. 14. p. 332.*

**Gethbrech** (*Rectius Gritbrecche*.) *Si pacem quis frugerit ante mediocres Foresta, quod dicunt Gethbrech, emendet Regi decem solidis.* Constitut. Canuti de Foresta, c. 18. See *Gritbrecche*.

**Gewineda** Is a Saxon Word, and it signifies the Publick Convention of the People to decide a Cause. *Et pax, quam Aldermannus Regis in quinque burgorum Gewineda dabit, emendatur 12 libris.* Leg. Ethelred. c. 1. apud Brompton.

**Gewitnesa**, Giving Evidence. Leg. Ethelred, c. 2. apud Brompton.

**Giffa aquæ**. *Molendinum & vivarium cum Giffa aquæ.* Mon. Angl. 3. Par. The Stream of Water, ut videtur.

**Sigmills** Were used for the Perching and Burling of Woollen Cloth, prohibited Anno 5 & 6 Ed. 6. cap. 22. They were a Kind of Fulling-Mills.

**Signaria**, a School.

**Gild**, in Saxon, signifies a Fraternity or Company, and comes from the Saxon Word *Gildan*,

which is To pay; because every one was *gildare*, i. e. to pay something towards the Charge and Support of the Company. And from thence come *Guild-halls*, that is, the Halls of the Society or Fraternity, where they meet and make Orders and Laws among themselves. The Original was thus, viz. It was a Law amongst the Saxons that every Freeman of fourteen Years old should find Sureties to keep the Peace, or be committed; whereupon certain Neighbours entered into an Association, and became bound for each other, to produce him who committed an Offence, or to make Satisfaction to the injured Party; which that they might the better do, they raised a Sum of Money among themselves, which they put into a common Stock; and when one of their Pledges had committed an Offence, and was fled, then the other nine made Satisfaction out of this Stock by the Payment of Money, according to the Quality of the Offence. And because this Association consisted of ten Families it was called a *Decennary*: And from hence came our Fraternities. But as to the direct Time, when these *Gilds* had their Origine in England, there is nothing of Certainty to be found, since they were in Use long before any formal Licences were granted to them for such Meetings. Edward the Third, in the Fourteenth of his Reign, granted Licence to the Men of *Coventry* to erect a *Mercant's Gild*, and a Fraternity of Brethren and Sisters, with a Master or Warden, and that they might make Chantryes, bestow Alms, do other Works of Piety, and constitute Ordinances touching the same, &c. So Henry the Fourth, in the fourth Year of his Reign, granted Licence to found a *Gild* of the Holy Cross at *Stratford upon Avon*. See *Antiquities of Warwickshire*, fol. 119, & 522. *Gild* or *Geld* (according to *Camden*) signifies also a Tribute or Tax, and the Statutes of 27 Ed. 3. Stat. 2. cap. 13. and 11 H. 7. cap. 9. used *Gildable* in the same Sense with *Taxable*. *Gild* (according to *Crompton* in his *Jurisdiction*, fol. 191.) signifies an Amercement, as *Foot-geld*; and fol. 197. he interprets it to be a Prestation within the Forest in these Words, *To be quit of all manner of Gilds is to be discharged of all manner of Prestations, to be made for gathering Sheafs of Corn, Lamb, and Wool, to the Use of Foresters.* The Word is also mentioned in the Statute 15 Hen. 6. cap. 6. and 15 Car. 2. cap. 7.

*Gild* is also a Compensation or Mulct for a Fault, *Quicquid in amore in alterum furatum habent in duos Geldos componere faciat.* From hence *Weregeld* is the Price of a Man, *Orfgeld* the Price of Cattel, *Angild* the single Value of a Thing, *Twigild* the double Value. There are likewise many Words which End with *geld*, and which shews the several Kinds of Payments, as *Danegeld*, *Vadegeld*, *Senegeld*, *Hornegeld*, *Sorgeld*, *Penigeld*, and many more.

*Gild* or *Gild-Rents*, are Rents payable to the Crown by any *Gild* or Fraternity, or such Rents as formerly belonged to religious *Gilds*, and came to the Crown at the general Dissolution, ordered for Sale by the Stat. 22 Car. 2. c. 6.

*Gildale* (from the Sax. *Gild*, i. e. *Solutio*, and *ale*, *ale*,) a Contribution, where every one paid his Share. See *Sothale*.

*Gildable*, or *Geldable*, (*Geldabilis*.) Tributary, that is, liable to pay Tax or Tribute. *Camden*, dividing *Suffolk* into three Parts, calls the first *Gildable*, because liable to pay Tax, from which the

the other two Parts were exempt, because Ecclesia Donata. It is mentioned An. 27 Hen. 8. c. 26. But I find Gildable expounded in an old MS. to be that Land or Lordship which is *Sub districtione Curie Vicecom.* See 2 Par. Inst. fol. 701. *Inquisitio capta apud Atterston, &c.* 5 H. 5. per Sacram. Will. Peirs & al. qui dicunt quod Johannes Chestershire, qui tenet unum tenementum & duo crosta cum pertin. in le Geldable de Johanne Lile per quod servitium ignorant, erexit crucem S. Johannis Hierosol. super Domum suam, ad habendum privilegium & libertat. Templar. de Balshade, eo quod teneret præd. tenementum sub Cruce in præjudicium Dom. Regis & contra formam Statuti inde editi, &c. MS. penes Gul. Dugdale Ar. Fur. dicunt quod Prior de Sempringham tenet tres Carucatas terre in S. & non sunt Geldabiles. Ex Rot. Hundr. in Turr. Lond. de Anno 3 Ed. 1. Line.

Gilt adulterinæ. Rot. Pipe 3. Johannis. Perhaps used for adulterate Money. Qu.

Gilhalda Teutonicorum was used for the Fraternity of Easterling Merchants in London, called the Still-yard. An. 22 H. 8. c. 8.

Gild-hall, The chief Hall of the City of London, Gildarum nomine continentur non solum minores Fraternitates & Sodalitias, sed ipsæ etiam Civitatum communitates, says the Learned Spelman. See Gild.

Gild-Merchant, (Gilda Mercatoria) was a certain Privilege or Liberty granted to Merchants, whereby they were enabled (among other Things) to hold certain Pleas of Land within their own Precincts; as King John granted Gildham Mercatoriam to the Burgeses of Nottingham.

Giltwrite. See Gyltwite.

Ginger, Zinziber, Is a Spice well known, being the Root of a Plant, that groweth in hot Countries, as Spain, Barbary, &c. The true Form whereof you have expressed in Gerard's Herbal, lib. 1. c. 38. This is a Spice whose Root is to be garbled. 1 Jac. 19.

Girnelled, quasi Wirnelled, i. e. Denied. From the Sax. Wirnan, Denegare.

Gisarms, rectius Gisarmes, (An. 13 Ed. 1. Stat. 3. cap. 6.) an Halbert. From the Lat. Bis Arma, because it wounds on both Sides. A Kind of Hand-ax, according to Skene. Flea miswrites it *Sisarm*, lib. 1. c. 14. Est armorum genus longo manubrio & porrecta cuspide. Spel.

Gladiolum, Sedge. Mariscus profert Gladiolum, cespites & alia ignis pabula. Mat. Paris. An. 1206.

Gladius (Fus Gladii) is mentioned in our Latin Authors, and in the Norman Laws, and it signifies a Supreme Jurisdiction. Camden, in Britania, writes, Comitatus Flint. pertinet ad Gladium Cestrie. And in Selden, Tit. of Honour, p. 640. Curiam suam liberam de omnibus placitis, &c. Exceptis placitis ad Gladium ejus pertinentibus. And 'tis probable from hence that at the Creation of an Earl, he is Gladio succinctus, to signify that he had a Jurisdiction over the County. See Pleas of the Sword.

Glaive, (Fr.) a Sword: Also a Lance or Horseman's Staff. Gleyve, long Sword, short Sword and Dagger, were the Weapons allowed the Parties in a Trial by Combat. See Orig. Jurisdic. fol. 79. b.

Glanvil Was a learned Lawyer, and Chief Justice in Henry the Second's Days, who writ a Book Of the Common Laws of England, which is the ancientest of any extant, touching that Subject. Staundf. præ. c. 1. fol. 5. He was then called in

Latin Ranulphus de Glanvilla. He died in Richard the First's Days, at the Siege of Acres, on the Coast of Palestine, being with him in his Voyage to the Holy-Land. Plowden, fol. 368. Stowel's Case.

Glaive A Glaive, or Gleave, a Favelin, a Hand Dart. — Quod cum vidisset quispiam de castello & adversarium agnovisset, telo gracili, quod Ganca (legendum est Glavea) dicitur eum jam cominus positum petiit, quo testam capitis ipsius male nudati perforavit. Gervas. Doroborn. sub an. 1144.

Glawance ore. See Plowden, f. 320. The Case of Mines.

Gleab-land, (Gleba,) Church-land. Dos vel terra ad Ecclesiam pertinens. Charta Elredi Regis Monast. de Croiland, apud Ingulphum. Imprimis totam insulam Croilandie pro Gleba Ecclesie, & pro situ separali ejusdem Monasterii — Dono. Lyndewode says, Gleba est terra in qua consistit Dos Ecclesie; generaliter tamen sumitur pro solo vel pro terra culta. Mentioned in the Statute of 14 Car. 2. c. 25. We most commonly take it for Land belonging to a Parish-Church, besides the Tithe. Skene says, The four Acres of Land, quiblk is given to the Ministers of the Evangel in Scotland; is called an Gleebe, the quiblk, suld be free fra Payment of any teinds.

Gleba, Glebam ferre. Anno 1335. Custos & Magister domus beate Maria Magdalenæ extra portam australem civitatis Exoniensis tulerunt glebam pro redditu exeunte de quodam gardino extra portam orientalem civitatis prædictæ, vocato Morley Shulteshay, & hac consuetudo vocatur Gleba. Izack's Antiquities of Exeter, p. 48. For it seems the ancient Custom of that City was, when the Chief Lord in Fee could not be answered of the Rent due to him out of his Tenement, and no Distress could be there levied for the same; then the Lord came to the Tenement, and there took a Turf or Stone, and brought the same to the Court seven Days successively: And this was called Gleba, ib. p. 50.

Glebariz, Turfs, Pete, or combustible Earth. — In silvis, campis — viis, semitis moris, glebariis, lapidibus, metallis, avibus, &c. Mon. Angl. tom. 1. p. 290.

Glebum, see Cleum.

Gliscywa, i. e. a Fraternity or Company. Tribunal collegium. In the Laws of King Adelftan, c. 12. we read. Et diximus etiam omnibus hominibus qui in nostram Glisciwam vadium dedit, si contingat eum mori, omnis congildo det unum panem & companagium pro anima ejus.

Glocester. See Cleum and Glevum.

Glomerells, i. e. Commissaries appointed to hear the Differences between the Scholars and the Townsmen. In the Edict of Hugh Balsam, Bishop of Ely. An. 1276. there is mentioned the Master of the Glomerells.

Gnignasia, (see Gignasia,) a School. Et ibi habuerunt Gnignasiam malignorum dogmatum. Knighton.

Glove-silver, Money given to some Servants by Custom to buy them Gloves as a Reward and Encouragement of their Labours. Inter antiquas consuetudines Abbatis de Sancto Edmundo — Capiant etiam quidam ex prædictis servientibus Glove-silver in Festo S. Petri ad vincula quorum hæc sunt nomina, Clericus Cellerarii ii. den. Arzinger Cellerarii 11. den. Grangiararius 11. den. &c. vaccarius 1. den. Ancilla 1. den. — Ex Cartular. S. Edmundi, MS. f. 323.



**Glyn** Signifies a Valley in *Domesday*, multis locis.

**Go** Is used sometimes in a special Signification, as to go to God, is to be disinherited the Court; so also is to go without Day. Broke Tir. Fayler de Records, num. 1. See Smith de Rep. Angl. lib. 2. c. 13. and Kitchen, f. 193.

**Goaling of Magabonos**, That is, Sending to the Goal, 35 El. c. 7.

**Goats**, No Man may common with Goats within the Forest without especial Warrant. Nota, That *Capriolus non est bestia venationis Forestae*. Manwood's Forest-Law, cap. 25. numb. 3.

**Goramium**, *Abergevenny*.

**God-bote**, (Sax.) *Multa ex delictis in Deum admissis eveniens*. A Fine or Amerciament for Crimes and Offences against God: An Ecclesiastical or Church Fine.

**God-gild**, that which is offered to God.

**Godmundham**. See *Delgovitia*.

**Gogingstool**, A Cuckingstool for Scolds and Shrews. — *In Burgo de Montgomery*. —

*Quia per Objurgatrices & Meretrices multa mala in villa oriantur — videlicet lites, pugnae, dissimulationes, &c. ac alia multa inquietationes per earum butesias & clamores. Igitur utimur de eisdem quod cum capte fuerint, habeant judicium de la Gogingstool, & ibi stabunt nudis pedibus & suis crinibus pendentibus & dispersis tanto tempore, ut aspicci possint ab omnibus per viam transeuntibus, secundum voluntatem Ballivorum nostrorum capitalium.*

**Golda**, A Gullet, a Sink, a Passage for Water, &c. — *Concessionem etiam quam idem Thomas fecit — de terris suis & terris tenentium suorum tam liberorum quam natorum, a Goldis mundandi per se & suos secundum consuetudinem in locis de Alferton & Norton usitatam.* Mon. Angl. Tom. 2. p. 610.

**Golda**, a Mine. *Concessionem quam idem Thomas fecit de terris suis & terris tenentium a Goldis mundandis per se & suos.* Mon. 2 Tom. p. 610.

**Goldwith**, vel **Goldwithch**. In the Records of the Tower there is Mention of *Consuetudo Vocata Goldwith vel Goldwithch*; but no Explanation of it. *Ideo quare.* A Golden Mult.

**Goliardi** (from the Fr. *Gouland*, a Glutton or greedy Feeder.) *Ecclesiae Catholicae ordinis dignitati non modicum detrahentes, se joculatores seu Goliardos faciunt aut buffones, &c.* MS. Decretal. Bonifacii VIII. Universitati Oxon. cap. De Vita & honestate Clericorum.

**Goliardus**, a Buffoon or Jester. 'Tis mentioned in *Mat. Paris*. Anno 1229. viz. *Quidam famuli, vel illi quos solemus Goliardenses appellare, versus ridiculos componebant.* Vide Selden ad Fletam, pag. 524.

**Good Abearing**, *Bonus gestus*, Is, by a special Signification, an exact Carriage or Behaviour of a Subject to the King and his Liege People, whereunto Men upon their Evil Course of Life, or loose Demenor, are sometimes bound: For as Lambard in his *Eirenarcha*, lib. 2. c. 2. saith, He that is bound to this, is more strictly bound, than to the Peace; for the Peace is not broken without an Affray, but this Surety *de bono gestu* may be forfeited by the Number of a Man's Company, or by his or their Weapons or Harnes. Whereof see more in that learned Writer in the same Chapter, as also in *Crom. Just.* of Peace, fol. 119, 120, 121, 122, 123, 124, 125, 126, 127.

**Good Behaviour**. See *Good Abearing*.

**Good Countryp**, *Bona Patria*, Is an Assise or Jury of Countrymen or Good Neighbours. *Skene de verbor. signif. verb. Bona Patria.*

**Goole**, From the French *Goulet*, or the Latin *Gula*. In Anno 16 & 17 Car. 2. c. 11. is a Breach in a Bank, or Sea-wall, or a Passage worn by the Flux and Reflux of the Sea.

**Gorce**, **Gourt**, and **Goore** (from the Fr. *Gort*, i. e. a Wear,) *Locus in fluvio coarctatus, piscium capiendorum gratia.* A Wear. It is recorded, That all such Gorges, Mills, Wears, Stanks, Stakes, and Kiddles, which be levied and set up in the Time of King Edward, the King's Grandfather, and after, whereby the King's Ships and Boats be disturbed, that they cannot pass in such River as they were wont, shall be out and utterly pulled down, without being renewed. Anno 25 Ed. 3. c. 4. Sir Edward Coke (on Littl. fol. 5. b.) seems to derive it from *Gurges*, a deep Pit of Water, and calls it a *Gors* or *Gulf*. But quare, if not a Mistake. For he says in *Domesday* it is called *Gourt* and *Gort*, the very French Word for a Wear. And I find in the *Black Book of Hereford*, fol. 20. *Quid tres Gurgites in aqua de Monew attachiantur per homines de Grosso monte*: Where *Gurgites* is used (though improperly) as a Latin Word for *Gorges* or *Wears*.

**Gore**, A small narrow Slip of Ground. — *Due rode jacent juxta viam scilicet le gores super shote-forlong.* Paroch. Antiq. p. 393. *una acra & dimidia jacent simul ibidem, & vocantur quinque gores, ib. 532. una acra cum una gore.* lb. 534. See Mr. Kennet's Glossary.

**Gote**. 23 H. 8. 5. A Ditch, Sluce or Gutter, I suppose with more Ease drawn from the Latin Word *Guttur*, than the Saxon *Geotan*, that signifies, as one saith, *Fundere*.

**Governors of the Chest at Chatham** are certain Officers appointed to take Care of, and relieve the poor and maimed Seamen belonging to the King's Navy. 22 & 23 Car. 2. *Act to prevent Disturbances of Seamen, &c.*

**Graduates**, *Graduati*, Are such Scholars as have taken Degrees in an University. 1 Hen. 6. 3.

**Gradus**, i. e. a Year: The Epitaph of William the Conqueror in *Ordericus Vitalis*, lib. 8.

*Pro septem Gradibus se voluerat atque duobus Virginis in Gremiis Phœbus, & hic obiit.*

**Gaffer** (Fr. *Greffier*, i. e. *Scriba*) signifies a Notary or Scrivener, and is used in the Stat. 5 H. 8. cap. 1.

**Gaffio**, **Graphio**, **Grabio**, an Earl, as *Landgrave*, a Magistrate, a Judge, an Advocate — *Nec Princeps nec Gaffio hanc lenitatem presatam mutare audeat.* Carta Kenulphi Regis Merciorum apud Mon. Angl. Tom. p. 100.

**Gaffium**, A Writing-Book, a Register, a Lieger-Book, or Cartulary of Deeds and Evidences. *David Episcopus Menevensis, Sancto Thoma Archiepiscopo in exilium detruso, a Custodibus Capitale sigillum abstulit, & Librum possessionum quod Gaffium appellatur.* Annal. Eccles. Menevensis apud Angl. Sacr. P. 1. p. 653.

**Gasse**, **Gradale**, or **Graduale**. A Gradual or Book containing some of the Offices of the Roman Church. *Gradale*, says Linwood, sic dictum a gradalibus in tali libro contentis, *Provincial. Aug. lib. 3.* The Word is mentioned in *Plowden*, fol. 542. and 37 H. 6. 32. It is sometimes taken for E c

a *Mass-Book*, or Part of it instituted by Pope Celestine, Anno 432. according to *Cotgrave*.

**Grain**, The 24th Part of a Penny-Weight. In 51 H. 3. *Denarius Anglia qui nominatur Sterlingus, rotundus sine tonsura ponderabit triginta & duo grana frumenti in medio spica*. These thirty-two Grains in the Middle of the Ear of Corn are the natural Grains; which for the better Accommodation of Accounts, are now reduced to 24 artificial Grains.

**Grane**, Shrubs or Bushes. *De Grana unius aera*. Mon. 2 Tom. p. 453. See *Grava*.

**Grand Assise**. See *Assise*, and *Magna Assisa*.

**Grand Cape**. See *Cape* and *Attachment*.

**Grand Days** Are those in every Term solemnly kept in the Inns of Court and Chancery, viz. In *Easter-Term*, *Ascension-Day*, in *Trinity-Term* *St. John Baptist's Day*, in *Michaelmas-Term* *All-Saints Day*, (and of late *All-Souls Day*) and in *Hilary-Term* the Feast of the Purification of our Lady, commonly called *Candlemas-Day*. And these are *Dies non Juridici*, no Days in Court.

**Grand Distress**, *Magna districtio*, Is so called for Quality and Extent thereof, for thereby the Sheriff is commanded. *Quod distringat tenentem, ita quod ipse nec aliquis per ipsum ad ea manum apponat, donec habuerit aliud preceptum, & quod de exitibus eorundem nobis respondeat, & quod habeat corpus ejus, &c.* This Writ lies in two Cases, either when the Tenant or Defendant is attached, and so returned, and appears not, but makes Default; then a *Grand Distress* is to be awarded: Or else when the Tenant or Defendant hath once appeared, and after makes Default, then this Writ lies by the Common Law in lieu of a *Petit Cape*, 2 par. *Inst.* fol. 254. 51 H. 3. c. 9. *Westm.* 1. cap. 44. and *Fleta lib.* 2. c. 69. *sect. penult.* See *Distress*.

**Grand Serjeanty**. See *Chivalry* and *Serjeanty*.

**Grange**, *Grangia*, Is a House or Farm, not only where Corn is laid up, as Barns be, and *Granaries*, &c. but also Stables for Horses, Stalls for Oxen, Sties for Hogs, and other Things necessary for Husbandry: And by the Grant of a *Grange* such Places will pass. *Provinc. Angl. lib.* 2. tit. de *Judiciis, cap. Item Omnis*.

**Grangerus**, The *Granger*, or *Grange-Keeper*, an Officer belonging to religious Houses, who was to look after their *Grange* or Farm in their own Hands. — *Grangerus, qui est unus Servientium de feodo cujus officii collatio spectat ad Abbatem, debet esse in curia Grangiarum* — & ibi in omnibus commodo *Cellerarii intendere* — *Ex Cartular. S. Edmundi.* MS. fol. 323. He was otherwise called *Grangiarus*, and in this he differed from the *Granatarius*, that this later was Keeper of the *Granary* or *Corn-Chamber* in a religious House, the other accounted for the Profits of a Country *Grange*. And therefore it was expressly provided that the same Person should not execute both Offices. — *Nec sustineatur quod Prapostus sit Granatarius & Grangarius simul.* *Fleta, l.* 2. c. 12. *sect. 1.*

**Grangiarus** is he who has the Care of Places for all Manner of Husbandry. See *Grange* and *Grangerus*.

**Grant**. *Concessio*, Signifies a Gift in Writing of such a Thing as cannot aptly be passed or conveyed by Word only, as *Rent*, *Reversion*, *Services*, *Advowsons* in gross, Common in gross,

*Tithes*, &c. Or made by such Persons as cannot give but by Deed, as the King, and all Bodies Politick, which Differences are often in Speech neglected, and then it is taken generally for every Gift whatsoever, made of any Thing by any Person; and he that granteth is named the *Grantor*, and he to whom it is made, the *Grantee*. *West. Symbol. part.* 1. lib. 2. *sect.* 334. A Thing is said to lie in *Grant*, which cannot be assigned without Deed. *Coke, lib.* 3. fol. 63. *Lincoln College Case*.

**Grant**, A Devil, a Spectre, an Apparition, so called by our Fore-Fathers, and thus described by our Countryman *Gervase of Tilbury*, in his MS. Tract. *De Otii Imperialibus: Lib.* 3. cap. 64. *Est in Anglia quoddam Daemonum genus, quod suo idiomate Grant nominatur, ad instar pulli equini anniculi, tibis erectum, oculis scintillantibus. Istud Daemonum genus sepius comparat in plateis in ipsius diei fervore, aut circa solem occiduum, & quotiens apparet, futurum in urbe illa, vel vico, portendit incendium. Cum ergo sequente die vel nocte instat periculum, in plateis, discursu facto, canes provocat ad latrandum, & dum fugam simulat, sequentes canes ad insequendum spe vana consequendi inquit: Hujusmodi illusio convicaneis de ignis custodia cautelam facit, & sic officiosum daemonum genus, dum assidentes terret, suo adventu munire ignorantes solet.* — I wish some ingenious Citizen of York would enquire into the Appearances and Effects of the *Bar-Guest*, or Apparition which is said to haunt the Streets of that Place; and compare it with the *Grant* before described.

**Grantz**, for *Grandeas*, or great Men, in the *Parl. Roll* of 6 E. 3. n. 5, 6. *Et les ditz Countz, Barons, & autre Grantz*. Which Word is mis-translated by some Authors to signify Commons.

**Grass-hearth**, *Grasng*, or turning up the Earth with a Plough, as we still say the Skin is *grased* or slightly hurt, and a Bullet *grases* on any Place, when it gently turns up the Surface of what it strikes upon. Hence the Customary Service for the inferior Tenants to bring their Ploughs, and do one Day's Work for their Lord, was within the Parish of *Ameriden* in the County of Oxford, called *Grass-hearth*, and *Grass-burt*. See *Parochial Antiquities*, p. 496, 497. and Mr. *Kennet's Glossary* annexed to that Work.

**Grava**, A Grove, a Coppice, a Thicket, a small Wood. — *Salva nobis & Succ. nostris una grava continente circiter duas acras bosci jacente juxta boscum nostrum in Balsam, &c.* *Cart. Philippi Epi Elien. dat.* 17 October 1435. *Dedi eis unam Gravam, qua dicitur Birzhecombe, & licentiam circumclaudendi, &c.* *Mon. Angl.* 2 Par. f. 262. a. *Unam Carucatam terra cum Gravis & pasturis eidem pertinen.* *Ibid.* f. 198. a. *Sir Edward Coke, 1 Inst.* fol. 4. b. says it signifies a little Wood; and *Cambden* agrees in it: But elsewhere I find it to signify a thick Wood of high Trees, a Grove. *Dugd. Warwickshire*, f. 503. b. And *Greve* in Old English signify'd a Bush. See *Grana*; see likewise Mr. *Kennet's Glossary*.

**Gravare** and *Gravatio*, an Accusation or Impeachment. See *Cravare*. *Et qui permanet sine Gravatione & Calumnia.* *Leg. Ethelred. cap.* 19.

**Gravaria** for *Granaria*. *Mon.* 2 Tom. p. 260. *Ego, &c. concedo Ecclesiam istam liberam ab omni consuetudine Gravariorum & Bernagiorum, &c.*

**Grave**,

**Gabe**, the Names of Places ending in *Grave* come from the Sax. *Graf*, i. e. a Wood, Grove, or Thicket, Den, or Gave.

**Gavner**, *Grana Paradisi*, alias *Cardamomum*, Is a Spice medicinable and wholesome, whereof you may see divers Kinds in *Gerrard's Herbal. lib. 3. c. 148.* These are comprised among Merchandise to be garbled by 1 *Fac. 19.*

**Great Men** Are sometimes understood of the Temporal Lords in the higher House of Parliament, as 43 *E. 3. c. 2.* and 8 *R. 2. in Proem.* and sometimes of the Members of the House of Commons, as 2 *R. 2. Stat. 2. in principio.*

**Grath-breach** or *Ultreatu-breach*, Is intended for a Breaking of the Peace by Saxton, in his *Description of England*, and *Rastal, Tit. Exposition of Words*, but mistaken for *Grithbrech*. See *Grithbrech*.

**Gre** Cometh of the French Word *Gre*, that is Good-liking, and in Law signifies Contentment or Satisfaction, as in 2 *R. 2. cap. 15.* To make *Gree* to the Parties, is to give them Contentment or Satisfaction for an Offence done unto them. So in 25 *E. 3. cap. 19.* *That Judgment shall be put in dispence, till Gree be made to the King of his Debt.* See *Agreement.*

**Green-Cloth**. See *Counting-House.*

**Greenhew** Is all one with *Vert*. *Manwood's Forest-Law, c. 6. num. 5.* See *Vert*.

**Green Silver**, *Argentum Viride*, By Custom in the Manner of *Writtle in Essex*, every Tenant having his Fore-Door opening to *Greenbury*, pays a Half-penny yearly to the Lord of the Manor, by the Name of *Green Silver*.

**Green Wax** Is a Word used in 42 *E. 3. 9.* and 7 *H. 4. 3.* and signifies the *Estreats of Fines*, Issues and *Amerciaments* in the *Exchequer*, under the Seal of that Court made in *Green Wax*, to be levied in the Countrey. See *Foreign Apposer.*

**Greffume**. See *Gersuma.*

**Greva**, The Sea - Shore, or Sand, or Beach. — *Novem acras in greva maris — mensuratas per tica 20 pedum ad salinas faciendas.* Mon. Angl. Tom. 2. p. 625.

**Greve**, *Præpositus*, Is a Word of Power and Authority, signifying as much as *Comes*, or *Vicecomes*. *Lamb.* in his *Exposition of Saxon Words*, verbo *Præfectus*, makes it all one with *Reve*. The Saxon Word is *Gerefa*, of which we have divers Words compounded, as *Sbyreve*, *Pertreve*, &c. which, by the Saxons, were written *Scyregerefa*, *Portgerefa*. See *Shireve* and *Portgreve*. *Hovedon, part. poster. annal. f. 346.* saith, *Greve dicitur, ideo quod jure debeat Grith, i. pacem ex illis facere qui patriam inferunt* &c. i. *miseriam vel malum.* From whence, but with less Power and Dignity, is derived the Word *Reve*, Bailiff, or Under-Officer of the Lord of a Manor.

**Greves**, i. e. Iron Boots.

**Gribidge**. See *Grithbreche*: *Habet Rex Forisfacturas baud focam Gribidge Foristel.* *Domesday, per Gale, 760.*

**Gills**, (*Anno 22 Ed. 4. cap. 4.*) a Kind of small Fish.

**Grisum**, a Skin of a Beast very rich. *Nunc non solum scarlatocum vario Grisio, sed etiam purpura & Byssu vestiuntur.* *Du Cange.*

**Grithbrech**, (*Pacis fractio seu violatio*) Is a Breach of the Peace, *In causis Regiis Grithbrech 100 sol. emendabit.* *Leg. H. 1. c. 36.* *Charta Willielmi Cong. Eccles. sancti Pauli in Hist. ejusd. fol. 90.* *Grithbreche, i. e. Quod Prior tenebit Placita de illis*

*qui frangunt pacem Regis vel libertatis ipsius Prioris.* *Ex Reg. Priorat. de Cokesford.*

**Grithstole**, *Sedes pacis*, A Sanctuary. See *Frod-mortell.*

**Grovers**, by 37 *E. 3. 5.* Were Merchants that engrossed all Merchandise vendible; but now it is a particular and well known Trade, incorporated into a Company which is one of the Twelve, and have a very handsome Hall, from them stiled *Grovers-Hall.*

**Gronna**, A deep hollow Pit; a Bog, a miry Place. — *Ipsius Haroldi corpus effodere, & in gronnam projicere jussit.* *Roger Hoveden, pag. 438.* So *Grunna*, in the Life of Saint *Slidan* Bishop of *Fern* in *Ireland.* Num. 10. *Erat autem magna gronna inter eos 41. silvarum, per cujus circuitum via erat.*

**Groom**, *Vallettus*, 33 *H. 8. cap. 10.* Is the Name of a Servant in some inferior Place. *Vestegan* in his *Restitution of decayed Intelligence*, saith, That he findeth it to have been in Times past a Name for Youths, who albeir they served, yet were they inferior to Men Servants, and were sometimes sent on Foot on Errands, serving in such Manner as Lackies do now.

**Groat**, A Groat. *Concessa est Regi una grossa, qua continet quatuor denarios de quolibet vivo & muliere.* *Henry Knyghton, sub an. 1378.*

**Grosse**, In *Grosse*, Absolute, Independent; as formerly a Villain in *grosse*, was such a servile Person, as was not appendant or annexed to the Land or Manor, and to go along with the Tenure as an Appertinence of it: But was like the other personal Goods and Chattels of his Lord, at his Lord's free Pleasure and Disposall. So Advowson in *grosse* distinguished from Advowson appendant.

**Grosse bois** Is great Wood, and properly signifies such Wood as is either by the Common Law or Custom of the Countrey, Timber. 2 *par. Inst. fol. 642.*

**Grossome** Signifies a Fine, and is corrupted from *Gersum*. For *Plow. fol. 271.* saith thus, *Et le dit J. K. grant per mesme le indenture a payer en la fine de le dit terme de 10. Ans al dit W. N. deze Mille de tiles ou le value de eux en argent en nosme de Grossome*; and in *fol. 285.* it is written *Gressame*. *Abique aliquo Gressame vel fine pro præmissis solvend.* See *Gersuma.*

**Grossus**, i. e. a Thing entire, not depending on another. Thus *Villanus in Grosso* was a Servant which did not belong to the Land, but immediately to the Person of the Lord: For an Advowson in *Grosse* is a Right of Patronage not annexed to the Fee or Manor, but it belongeth to the Patron himself, distinct from the Manor.

**Groundage** is a Tribute paid for the Ground on which a Ship stands in a Port.

**Groundstall**. See *Pelf.*

**Groom**, By 43 *E. 3. cap. 10.* Seems to be an Engine to stretch Woollen Cloth with after it is woven.

**Growth Half-Penny**, A Rate paid in some Places for Tithe of every fat Beast, Ox, or other unfruitful Cattel. *Clayton's Rep. p. 92.*

**Guards**, Derived from the French *Gruyer*, signifies generally the principal Officers of the Forest; of whom you may read in the Forest Records.

**Guta**, *Gruel*, Broth, Pottage. In the Accounts of the Cathedral Church of *St. Paul* in *London*, about 5 *Ed. II.* *Summa frumenti ad panem*  
E c 2

185. quarter. *Summa frumenti ad grutam* 135. quarter. *Summa ordei ad grutam* 135. quarter. —  
Ex Libro Statut. Eccl. Paulinz. MS. f. 73.

**Guanna.** See Gronna.

**Guadage or Guidage,** (*Guadagium vel Guidagium*) Est quod datur alicui, ut tuto conducatur per terram alterius: That which is given for safe Condu& through unknown Ways, or a strange Territory. Sir Edw. Coke calls this an old legal Word. 2 Inst. f. 526.

**Gualdum.** See Waldum.

**Guannagium.** See Wannage.

**Guest-takers or Gist-takers.** See Agistors.

**Guiders,** they are so called because they lead Fish to the Net. Anno 1 Jac. cap. 23. See *Conders*.

**Guidrigild.** See Weregild.

**Guild.** See Gild.

**Gilda for Gualda,** viz. *Edricus cognomento Gilda*, i. e. *sylvaticus*.

**Guldhaldia Tutonicozum.** See Gild.

**Guinea=Pepper,** Piper de Guinea, Is otherwise called *Indian Pepper*, from the Place whence it cometh; the Nature, and farther Description whereof you have in *Gerrard's Herbal*, lib. 2. c. 66. This is mentioned among Drugs and Spices to be garbled, by 1 Jac. 19.

**Gule of August,** (*Gula Augusti*. West. 2. cap. 30. 27 E. 3. Stat. 3. cap. unico F. N. B. fol. 62. alias *Goule de August*. And *Plowden*, fol. 316. Case of *Mines*) is the very Day of St. Peter ad vincula, which was wont to be, and is still celebrated upon the first of August. And in Probability called *The Gule of August*, from *gula* a Throat. The Reason we have in *Durand's Rationale Divinorum*, lib. 7. cap. de *facto sancti Petri ad vincula*, where he saith, That one *Quirinus* a Tribune having a Daughter that had a Dis-ease in her Throat, went to *Alexander*, then Pope of Rome, the Sixth from St. Peter, and desired of him to borrow, or see the Chains that St. Peter was chained with under *Nero*; which Request obtained, his said Daughter kissing the said Chain, was cured of her Dis-ease, and *Quirinus* with his Family baptized. Tunc dictus Alexander Papa, saith *Durand*, hoc festum in Calendis Augusti celebrandum instituit, & in honorem beati Petri Ecclesiam in urbe fabricavit, ubi ipsa vincula reposuit, & ad vincula nominavit, & Calendis Augusti dedicavit. In qua festivitate populus ille ipsa vincula hodie osculatur. So that this Day that before was only called *The Calends of August*, was upon this Occasion termed indifferently either of the Instrument that wrought the Miracle, St. Peter's Day ad vincula; or of that Part of the Maid whereon the Miracle was wrought, the Gule of August. See *Hospinian de origine festorum*, fol. 85. *Averagium astitiale fieri debet inter Hock-Day & gulam Augusti: Rentale Manerii Regalis de Wye*.

**Guldum,** Taxation, or pecuniary Imposition — *Abbas & conventus sunt quieti de eschapiis latronum, bobus, de disseisina, guldis, theloniis, &c.* Cartular. Galtton. MS. f. 87. a.

**Gyltwit** Is an Amends for Trespass, according to *Saxton*, in his Description of England. cap. 11. But we may suppose it mistaken for *Gyltwit*, because no such Word is found either in *Spelman's Glossary*, the *Saxon Dictionary*, or ancient Records.

**Gum** Is a clammy or tough Liquor issuing out of Trees, and hardened by the Sun. Of these there be divers Sorts brought from beyond

Sea, that are Drugs to be garbled, as appeareth by the Statute 1 Jac. 19.

**Gumfus, Gumphus.** The Hook upon which the Hinge turns. — In *granario cooperiundo* xxvi. fol. x. den. In *offitiis eidem faciendis cum gumfis & vertinellis* (i. e. with Hook and Hinges) vii. fol. 4 denar. *Computus Domus de Farendon*. MS. fol. 18.

**Gust, Hospes,** Is used by *Bracton* for a Stranger or Guest, that lodges with us the second Night. Lib. 3. tract. 2. cap. 10. In St. Edw. Laws, published by *Lamb. num.* 27. it is written *Gest*. Of this see more in *Uncouth*.

**Guti, Gotthi, and Gotti,** (called sometimes *Futa*, by the Romans *Geta*, and by the English *Goths*; 'tis derived from the old Word *Fat*, which signifies a Giant) were one of those three Nations or People who left Germany, and came to inhabit this Island. In *Leg. Edw. Confessor*, cap. 35. we read, *Gutti vero similiter, cum veniunt, suscipi debent & protegi in isto regno, sicut conjurati fratres, sicut propinqui, &c.*

**Gutta, The Gout.** Anno 1287. *Quidam infirmitate quam Medici guttam vocant vexabatur, ut nec pedes nec manus absque dolore gravissimo movere possit. Liber de miraculis Tho. de Cantilupo Episcopi Hereford. MS. penes Willielmum Glynne Baronettum.*

**Gutters,** A Gutter or Spout to convey the Water from the Leads and Roofs of Churches.

— *Custos operis post singulas magnas pluvias faciat scrutari voltas superiores Ecclesie, & tunc similiter mundari faciat deambulatoria superiora circa Ecclesiam exterius, ut pluvia liberum fluxum habeat per gutteras, nec amplius, &c.* Liber Statutorum Eccl. Paulinz London. MS. f. 41. a.

**Gutter-tile alias Corner-tile,** Is a Tile made three corner-wise, especially to be laid in Gutters, and at the Corners of tiled Houses and Dove-houses, 17 E. 4. 4.

**Gwabr=merched** Is a British Word, signifying a Fine made to some Lords of Manors upon the Marriage of their Tenants Daughters, or otherwise upon their committing Incontinency. See *Marchet* and *Lairwite*.

**Omnibus** — *Jacobus Baskerville Miles Dominus Manerii de Trsley (Com. Hercf.) salutem. Noveritis me prefatum Jacobum remisse Johanni ap John Hered. & assign. suis totum jus, titulum, &c. quod habeo de & in quibusdam serviciis aut redditibus exeunt. de tenemento quod predictus Johannes tenet de me in predicto Manerio, qua servicia aut redditus sequuntur, viz. Moch-meswryc, otherwise called Masswine. Gwarthegan Claimai, otherwise called Cowyeld. Cwabr=merched, otherwise called Lairwite. Arian-Ythen, otherwise called Ox-Silver. Gwasanethen, otherwise called Work-Silver. And Deiliad-Moor, otherwise called Tenant in Meor. Ita quod nec ego predict. Jac. nec heredes mei aliquod jus, &c. in predictis serviciis in futur. habere poterimus, &c.* Dat. 16 Oct. 4. Ed. 6. Penes Joh. Stead Gen.

**Gwalstow,** (*Gwalstowum* from the Sax. *Gwal*, i. e. *Patibulum*, and *Stow*, *Locus*) *Locus Patibuli seu occidendorum. Omnia Gwalstowa, id est occidendorum loca, totaliter Regis sunt in foca sua.* LL. Hen. 1. cap. 11.

**Gwapf, Wlaif, Waivium,** They were properly such Goods, as Felons or Thieves when pursued, cast down and left in the Highway, which became a Forfeiture to the King or Lord



Lord of the Manor, unless the right Owner did legally claim them within one Year and a Day.

*Recognitum est Militibus & liberis hominibus, quod ad nos spectat le Gwayf, &c. ita & statim redditum est nobis le Gwayf de Ernicot, scilicet duo porci cum quinque porcellis. Paroch. Antiq. pag. 16.* Where the Word signifies only stray Cattel. See *Waif and Stray*.

*Gylput*. It was found by Inquisition upon an *Ad quod Damnum*, 13 Ed. 3. n. 12. that there did belong to the Liberty or Hundred of *Patbberw*, in *Com. War.* a certain Court called *Gylput* held every three Weeks; but why or whence so called, *Quare*.

*Gylwite*, ——— *Habeatque ipse Episcopus (sc. Oswaldus Ep. Weorceastre,) omnesque sui successores ibi ad jus Ecclesiasticum, debita transgressionum & poenam delictorum, que nos dicimus Oferse enesse, & Gylde Wide, & omnia quacunque Rex in suis Hundredis habet. Ex ipso Autographo Eadgari Regis Dat. Anno 964. Penes serenissimam Majestatem CAROLI II. Regis. A Compensation or Amends for Trespas or Fraud; Multa pro Transgressionem.*

*Gylwagi* Were a Sort of wandring Monks, who left their own Cloister and visited several others, pretending Piety. *Matt. Paris. pag. 490.*

*Gybur*, (Fr. *Juif*.) in Law French signifies a Jew. — *Et que nul Gyvu de ceo jur en avant tel manere de detter. Provisiones de Judaismo, 53 Hen. 3.*

## H.

**Habeas Corpus** Is a Writ which a Man indicted of a Trespas before Justices of Peace, or in a Court of any Franchise; and being apprehended and imprisoned for the same, may have out of the King's Bench to remove himself thither at his own Costs, and to answer the Cause there. *F. N. B. fol. 250.* And the Order in this Case is, first to procure a *Certiorari* out of the Chancery, directed to the said Justices, for the Removing of the Indictment into the King's Bench, and upon that to procure this Writ to the Sheriff, for the causing his Body to be brought at a Day, *Reg. Jud. fol. 81.* where you may find divers Cases, wherein this Writ is to be used.

**Habeas Corpora** Is a Writ that lies for the bringing in of a Jury, or so many of them as refuse to come upon the *Venire facias*, for the Trial of a Cause brought to Issue. *Old Nat. Brev. fol. 157.* See great Diversity of this Writ in the Table of the *Register Judicial*, verbo *Habeas Corpora*, and the *New Book of Entries*, verbo *eodem*.

**Habendum** Is a Word of Form in a Deed or Conveyance, every of which must have two principal Parts, viz. the *Premises* and the *Habendum*. The Office of the *Premises* is, to express the Names of the Grantor, Grantee, and the Thing granted. The Office of the *Habendum* is, to limit the Estate, so that the general Implication of the Estate, which, by Construction of Law passeth in the *Premises*, is by the *Habendum* controlled and qualified. As in a Lease to two Persons, *Habendum* to the one for Life, the Remainder to the other for Life, altereth the general Implication of the Joint-Tenancy in the Freehold, which should pass by the *Premises*, if the *Haben-*

*dum* were not. *Co. vol. 2. fol. 55. Buckler's Case. See Use.*

**Habentes homines**. In a Charter of *Cenulph* King of the *Mercians*, anno 821. *Nec Rex suum pastum requirat, vel Habentes homines, quos nos dicimus Fastingmen, nec eos qui accipitres portant vel falcones.* *Mon. Angl. Tom. 1. pag. 100.* *Du Fresne* says, They are no more than *Divites*, rich Men. But no doubt the Word implies a stricter Sense, and did import either the King's Guard or Retinue, who were at the King's Pleasure to be *Feasting-men*, or plentifully entertained at the Houses of his Tenants: Or rather those old Servants who were commended to the Religious by the King, and so *fasted* on them for Corrodies or Maintenance for Life. Or perhaps only the Pledges and Sureties, or *Friborhs*, who under their Chief or Principal the *Tirling-Man*, were to keep the King's Peace, and be accountable for the Breach of it.

**Habentia** In the singular Number signifies Riches: *Animos eorum Habentia inflavit*; and in some old Charters, the Word *Habentes* signifies rich Men, viz. *Nec Rex suum pastum requirat, vel Habentes homines quos nos dicimus Feasting-Men.* *Monast. 1 Tom. p. 100.*

**Habere facias seisinam** Is a Writ Judicial, which lieth where a Man hath recovered Land in the King's Court, directed to the Sheriff, and commanding him to give *Seisin* of the Land recovered. *Old Nat. Brev. fol. 154.* See great Diversity thereof in the Table of the *Register Judicial*, verbo *Habere facias seisinam*. This Writ is sometimes issuing out of the Records of a *Fine Executory*, directed to the Sheriff of the County where the Land lieth, and commanding him to give to the Cognisee, or his Heirs, *Seisin* of the Land whereof the *Fine* is levied, which Writ lieth within the Year after the *Fine*, or Judgment, upon a *Seire facias*, and may be made in divers Forms, *West. Symbol. 2 Tit. Fines sect. 136.* There is also a Writ called *Habere facias seisinam, ubi Rex habuit annum, diem & vastum*, which is for the Delivery of Lands to the Lord of the Fee, after the King hath taken his Due of his Lands that was convicted of Felony. *Orig. fol. 165.*

**Habere facias visum** Is a Writ that lies in divers Cases, as in *Dower*, *Formedon*, &c. where View is to be taken of the Lands or Tenements in Question. *F. N. B. in Indice, verbo View. Bracton, lib. 5. tract. 3. cap. 8. & lib. 5. part 2. cap. 11. See View, Reg. Jud. fol. 1. 26, 28, 45, 49, 52.*

**Haberellus**, A Sort of Fish, perhaps *Haberdine*, or a Sort of Cod-Fish dried and salted. — *Sorcy redit in gabulo assiso xiii. libras. — & v. de anguillis & II. de haberellis, & I. de parvis anguillis, vel tres solidos de piscaria. Carrular. Abbat. Glaston. MS. f. 39. a.*

**Habergeon**, an Helmet or Head-piece, which covered the Head and Shoulders: From the Germ. *Hals, Collum, and Bergen, tegere.*

**Habergetum**. See *Habergeon*.

**Haberjets** or *Haubergete, Haubergette*, A Kind of Cloth, of a mixt Colour; *una sit latitudo pannorum tinctorum, russatorum & Haubergettarum, scil. due ulne infra listas.* *Mag. Chart. c. 25, 26. Et pupilla oculi, part. 5. c. 22.*

**Habiments of War**. 31 Eliz. cap. 4. Are Armour, Harness, and Provision of War of all Sorts, without which no War can be maintained. 3 *Par. Inst. fol. 79.*

**Hables** Is the Plural of the French *Hable*, signifying a Port or Haven of the Sea; whence Ships set forth into other Countries, and where they do arrive when they return from their Voyage: This Word is used 27 Hen. 6. 3. See *Hafne*.

**Habunds**, Abundance, Plenty. — *Receptis de caseo & butiro, & eo minus propter habundam casei maximam.* Paroch. Antiquit. p. 548.

**Hacche**, A Hatch, a Gate or Door. *Saxa, hæca, pessus, a Hatch or Bolt.* — *Idem tenetur tempore constituto obstruere le Hacche de mere, & capere glebam & clausuram in mora.* Cartular. Abbat. Glaston. MS. fol. 42. b. Hence the Buttery Hatch, and several Houses situate on the Highway near a common Gate, are still called *Hatches*.

**Haches**. See *Hatches*.

**Hachetta**, A Hatchet or cutting Instrument of Iron. — *Quidam Seruiens ipsius Rogeri in presentia ipsius Episcopi percussit & vulneravit usque ad enormem per sanguinis effusionem Ricardum de ejusdem Episcopi comitiva, qui ceperat hatchettam quam tenebat quidam familiaris alius ejusdem Rogeri. versus Dominum Episcopum cum dicta hachetta elevata veniens, quæsi vellet eundem Episcopum percutere.* Abbat. Glaston. Cartularium. MS. f. 66. a.

**Hachia**, A Hack, a Pick, or Instrument for digging. — *Adam de Holt vendidit Henrico Scot quartam partem manerii de Beterton, & statim perrexerunt ad prædictam quartam partem de selione in selionem, & ad ultimum selionem dictus Adam cum hachia fodit quandam particulam terre, & tradidit illam dicto Henrico nomine seiscina.* Placita 1 Edw. III. MS.

**Hadbote** Was a Recompence made for the Violation of Holy Orders, or Violence offered to Persons in Holy Orders. *Saxon Dictionary*.

**Hade of Land**, Hada terra; *Sursum reddidit in manus Domini duas acras terra continen' decem seliones & duas Hadas, Anglice, Ten Ridges, and two Hades, jacen' inter terr. &c.* Rot. Cur. Maner' de Orleton, Anno 16 Jac.

**Haderunga**, Respect of Persons, Partiality, from Sax. *had*, Person, Degree, Quality; and *arung*, honouring, admiring. Hence in the Laws of King *Ethelred*. — *Judicia debent esse sine omni haderunga, quod non parcatur diviti alicui vel egeno, &c.*

**Hadgonel**, alias *Haggonel*. Item quando aliquis delegabit terram Burgagii in Eleemosynam conventus, terra illa solebat de cetero esse quæta de Hadgonel, & maxime Celerario. Mon. Angl. 1 par. f. 302. a. q.

**Hærede deliberando** alii qui habet custodiam terræ, Is a Writ directed to the Sheriff, willing to command one, having the Body of him that is Ward to another, to deliver him to him, whose Ward he was by reason of his Land. *Reg. Orig.* fol. 161. This is now out of use by 12 Car. 2. cap. 24.

**Hærede abducto** Is a Writ that lay for a Lord, who having the Wardship of his Tenant under Age, could not come by his Body, for that he was conveyed away by another. *Old Nat. Brev.* fol. 93. See *Ravishment de Gard*, and *Hærede rapto in Reg. Orig.* f. 163. but now of no Use.

**Hæredipeta**, the next Heir: *Et nullus Hæredipeta suo propinquo vel extraneo periculosa sane Custodia committatur.* Leg. H. c. 70.

**Hæretare**, To give a Right of Inheritance, or make the Donation hereditary to the Grantee and his Heirs. — *Tandem usus consilio &*

*patrocinio amicorum hæretavit Sanctum Paulum de quatuor bidis & dimidia.* Hist. Eliensis, Edit. Gale. cap. 41.

**Hæretico comburendo**; It is a Writ that lies against him that is a Heretick, viz. that having once been convicted of Heresy by his Bishop, and having abjured it, afterwards falleth into it again, or into some other, and is thereupon committed to the secular Power. *F. N. B.* fol. 269. This Writ lies not at this Day, according to the Opinion of Sir Edward Coke in his twelfth Rep. fol. 93. This Writ is now utterly abolished by Stat. 29 Car. 2. cap. 9. *Britton lib. 1. c. 17.* says, That, by the Common Law such as feloniously burn the Corn or Houses of others, Sorcerers and Sorceresses, Sodomitical Persons and Hereticks should be burnt.

**Hafne Courts**: *Hafne* is a Danish Word, and signifies with us a Haven or Sea-Port. Letters Patent of Richard, Duke of Gloucester, Admiral of England, 14 Aug. Anno 5 Ed. 4. have these Words. *Uterius dicunt quod dicti Abbas & Conventus & predecessores sui habent & habere consueverunt per idem tempus in prædictis villis (Bancaster & Ringstead) cum Hulmo quasdam Curias Portus, vocatas Hafne Courts, tenendas ibidem ad placitum Abbatis, &c.* Haven or Port Courts, 4 Inst. f. 147.

**Haga**, (Sax. *Haga, Manfio*) a House in a City or Borough. In *Domesday*, Tit. Suffex. Terra Rogeri, num. 11. *Radulfus tenet unam Hagam de xii. Denar. Willielmus quinque Hagas de quinque Sol. &c.* An ancient Anonymous Author expounds Haga to be *Domus cum Shopa. Cum novem præfate Civitatis habitaculis, qua patria lingua Hagan appellari solent.* Charta Etheldri Regis, in *Auduario Mart. Paris.* fol. 240. Coke on Litt. fol. 56. b. See *Haw*. It also signifies an Hedge. In an old Book, some time belonging to the Abbey of St. *Austyn* in Canterbury, we find that King Stephen sent his Writ to the Sheriff and Justices of Kent in this Manner, *Stephanus Rex Anglorum, Vicecomiti & Justiciariis de Kent, salutem, Præcipio quod faciatis habere Ecclesiæ Sancti Augustini & Monachis hagam suam, quam Gosceold eis dedit, &c.*

**Haga**. A Hedge. Sax. *hæg*, melted into *Hay*, whence *Haia*. — *Quod totum dictam placeam includere possint fossato & haga, secundum assisam foreste.* Mon. Angl. Tom. 2. p. 273.

**Hagablum**, the same with *Gablum*.

**Hagbut**. See *Haque* and *Haquebut*.

**Haja**, and *Haplia*, A Hedge, and sometimes taken for a Park or Enclosure, *Vallatum fuit, &c.* *Fossata Haja & Palatio.* Braët. lib. 2. c. 40. num. 3. Hence *Hajement* for a Hedge-Fence. *Rot. Inq.* 33 E. 3. in *Scac. de Foresta*.

**Hægebote** Is an irregular Compound of the French *Haye*, i. *Sepes*, and the Sax. *Bote*, *compensatio*, and used for a Permission to take Thorns or Fryth to make or repair Hedges. Or rather a Mulct for breaking Hedges. See *Hægebote*.

**Hæmesugen**. See *Hæmfoca*.

**Hærbannum**. See *Herebannum*.

**Hake**, A Sort of Fish dried and salted, called commonly *Poor John*, in the Western Parts of England, *Hackot*, from Sax. *Hacod*. The Proverb obtains in Kent, as dry as a Hake — *Et in tribus copulis viridis piscis cum uno viridi lynge, cum tribus congris, & cum una copula de Hake.* Antiquit. Parochial. pag. 575. See *Spelman's Glossary* in *Hakedus*.

**Haketon.** See *Jack*; a Military Coat: *Indutus fuit Episcopus quadam armatura, quam Aketon vulgariter appellamus.* Walf. in Ed. 3.

**Halbergetus pannus.** See *Halbergetus*.

**Halfendal,** the Moicty or one half.

**Half-haque.** See *Haque*.

**Half-mark,** *Dimidia Merka*, Is a Noble. F. N. B. fol. 5. Where he saith, That in Case a Writ of Right be brought, and the Seisin of a Demandant, or his Ancestor, alledged, the Seisin is not traversable by the Defendant, but he may tender or proffer the *Half-Mark* for the Enquiry of this Seisin; which is in plain Terms, that the Defendant shall not be admitted to deny, that the Demandant or his Ancestor, was seised of the Land in Question, and to prove his Denial; and that he shall be admitted to render *half a Mark* in Money, to have an Enquiry made, whether the Demandant, &c. were so seised or not. And in this Signification we find the same Words in the *Old Eng. Nat. Brev.* fol. 26. Know, that in a Writ of Right of an Advowson brought by the King, the Defendant shall not proffer the *Half-Mark*, &c. whereof *Fitzherbert*, *ubi supra*, giveth this Reason, because in the King's Case, the Defendant shall be permitted to traverse the Seisin, by Licence obtained of the King's Serjeant. To which Effect see F. N. B. fol. 31.

**Half-Seal** Is used in the Chancery for the Sealing to *Delegates*, appointed upon any Appeal, either in Ecclesiastical or Marine Causes. 8 El. 5.

**Half-Tongue.** See *Medietas Lingua*.

**Haligamot.** See *Halimote*.

**Halke,** i. e. an Hole, seeking in every *Halke*. From the Sax. *Heale*, *angulus*.

**Halitworfok,** i. e. *Holyworkfolk*, or People who held Lands for the Service of repairing or defending a Church or Sepulchre, for which pious Labours they were excused from feodal and military Services. *Hugo Episcopus Dunelmensis Homines de Episcopatu secum coegit ire in guerram Scotiae, & cum redissent domi ab eo non licentia, fecit eos apud Dunelmum incarcerari. Quod ipsi graviter ferentes, fecerunt se partem contra Episcopum, dicentes se esse Halitworfok, & terras suas tenere ad defensionem corporis S. Cuthberti, nec debere se exire terras Episcopatus, scilicet ultra Tinam & Teyfam pro Rege vel Episcopo.* Hist. Dunelm. apud Wharton Ang. Sac. P. 1. p. 749.

**Hall,** *Halla*, the Saxon Word is *Healle*, and anciently denoted a chief Mansion-House or Habitation; which Word we retain in many Counties of England to this Day, especially in the County-Palatine of *Chester*, where every Gentleman of Quality's Seat is termed a *Hall*. In the Book of *Domesday Tir. Chent.* Terra Hugonis de Mountfort. In Newcest Hundred ipse Hugo tenet unam terram quam Azor Rot tenuit de R. E. (Rege Edvardo) sine *Halla*, i. e. sine domo.

**Hallage** Is a Fee due for Cloaths brought for Sale to *Blackwell-Hall* in London. Co. vol. 6. fol. 62. b. Also the Toll due to the Lord of a Fair or Market, for such Commodities as are vended in the Common Hall of the Place.

**Hallamase,** The Day of *All-Hallows*, or *All-Saints*, Nov. 1. One of the cross Quarters of the Year was commonly so computed in ancient Writings from *Halymas* to *Candlemas*.

**Hallamshire** Is a Part of *Yorkshire*, in which the Town of *Sheffield* stands, 21 Fac. cap. 23.

**Hallbard:** The Danes when they invaded this Nation, had Hatchets with two Edges; the Saxons had a like Weapon so called: From the Germ. *Hall. palatium*, and *Bard bipennis*, which being adorned with Gold and Jewels, was carried by Noblemen, and from them the English had this Weapon, which is still used in Princes Courts.

**Halmetus.** *Villani ne vendant, donent vel locent terras customarias, per cartam vel sine, convallanis vel Customariis, sine expresso consensu Firmariorum, & in plena curia vel Halmeto, ut per recordum Curie, &c. Statut. Eccl. Paul. London. MS. f. 456.* See *Halymote*.

**Halmete** or **Halimote**, (From the Sax. *Heale*, i. e. *aula*, and *Gemot*, i. e. *conventus*) is that we now call a Court-Baron; and the Etymology is the Meeting of the Tenants of one Hall or Manor. *Omnis causa terminetur vel Hundredo, vel Comitatu vel Halimote, socam habentium, vel dominorum Curia.* LL. Hen. 1. cap. 10. The Names is still retained at *Luston*, and other Places in *Herefordshire*.

*Hereford* }  
*Palatium* } *Ad Halimot ibidem tent. 11 die*  
*Off. Anno Regni Regis Hen. 6. 24. venit Johannes Garneston & Juliana Uxor ejus in plena Curia, &c.*

It is sometimes taken for a Convention of Citizens in their Publick Hall, which was also called *Folkmot* and *Halmot*. As in London every Company hath a *Hall*, wherein they keep their Courts. 4 Inst. fol. 249. This *Halmete* and *Halimote* are often confounded, though originally they were two distinct Courts.

But the Word *Halimote* rather signifies the Lord's Court, or a Court-Baron held in the Manor, in which the Differences between the Tenants were determined: From the Sax. *Heal*, *atrium*, and *Gemot*, *conventus*. *Omnis causa terminetur vel Hundredo vel Comitatu vel Halimote socam habentium: Leg. H. 1. cap. 9.* So in *W. Thorn*, Anno 1176. *Ipsis Thanetensibus asserentibus se ad Capitalem Curiam beat. Augustini Cantuar. placitandi causa, vel judicium sustinendi nullo modo debere accedere, sed in Halimoto suo in Thaneto omnia sua judicia exerceri.*

**Halsberg,** a Coat of Mail: From the Saxon *Hals*, i. e. *collum*, and *Bergan*, *cavere*: It was properly a Defence for the Neck.

**Halsfang.** See *Healfang* and *Pillory*.

**Halymote**, Properly an Holy or Ecclesiastical Court; howbeit there is a Court held in London by this Name, before the Lord Mayor and Sheriffs, for regulating the Bakers, and was anciently held on Sunday next before *St. Thomas's Day*, and therefore called the *Halymote*, or Holy Court: The Title thereof ran thus. *Curia Sancti motus tenta in Guilbalda Civitatis London, coram Majore & Vicecom. &c.*

**Halwerefok.** (*Ranulphus Dei Gratia Dunelmensis Episcopus omnibus hominibus suis Francis & Anglis de Halwerefok salutem.* Mon. Ang. 1 Par. fol. 512. b.) did anciently signify such of the Province of *Durham*, as held their Lands, to defend the Corps of *St. Cuthbert*, and claimed the Privilege not to be forced to go out of the Bishoprick either by King or Bishop. Hist. Dunelm. And *Durham* in our Year-Books is called *Franchise de Werk*. Selden.

**Ham**, A House, also a Village or little Town: This is a Termination of many Towns in England, as Nottingham, Buckingham, Walsingham, &c.

**Hambles**. See *Hables*.

**Hambling** or **Hameling** of Dogs, Is the same, with expeditating; *Manwood's Forest-Law*, ca. 16. num. 5. says, This is the antient Term that Foresters used for that Matter, and num. 12. he adds, *Canutus* in his 31 Canon, doth call *The Lawning of Dogs*, *Genu-scissio*, which was a Kind of cutting or laming of Dogs in the Hams, which the old Foresters called *Hambling*. See *Expedi-tate*.

**Hamlet**, as also **Hamel** and **Hampsel**, are diminutives of *Ham*, which signifies Habitation. *Camb. Brit. pag. 149 354*. *Kitchin* hath *Hamel* in the same Sense, who also useth *Hampsel* for an old House or Cottage decayed, fol. 103. *Hamlet*, as *Stow* useth it in *Edw. 3*. seemeth to be the Seat of a Freeholder; for there he saith, The King bestowed two Manors and nine *Hamlets* of Land upon the Monastery of *Westminster*, for the Keeping of yearly *Obits* for his Wife, *Q. Eleanor*, deceased. *Spelman* making a Difference betwixt *villam integram*, *villam dimidiam* & *Hamlettam*, hath these Words, *Hamlettam vero quæ medietatem fri-borgi non obtinuit, hoc est ubi quinque Capitales Plegii non sint deprehensi*. The Statute of *Exon*, 14 E. 1. mentions it thus, *Lex nosmet de toutes les villes & Hamlets que sont en son Wapentake*, &c.

**Hamelius**, A Hamlet. — *Cum duobus solidis annui redditus in hamello de Chetham*. Will. Thorn.

**Hamsfare** Is by some taken to be the same with *Hamsocne*, i. e. the Freedom of a Man's House: From the Sax. *Ham*, *Domus*, and *Frith*, *pax*, and *Hamsocne* is from the Sax. *Ham*, *Domus*, and *Socne*, *immunitas*, but I rather think that *Hamsfare* is derived from the Sax. *Ham*, *Domus*, and *Fare*, *iter vel progressio*. So that *Hamsfare* is a Breach of the Peace in a House; and this appears by *Brompton*, in *legibus H. 1. cap. 80. Si quis alium in sua vel alterius domo, &c. sagittet vel lapidet, vel colpem ostensibilem undequaq; faciat, Homlocne est vel Hamsfare*, i. e. he is either guilty of a violent Entry into the House of another, or of the Breach of the Peace in his own House; For by the Definition it appears that the Offences are not the same.

**Hamma**, A Home-Close, a small Croft; or little Meadow. — *Quoddam pratunculum quod vocatur Hamm*. *Paroch. Antiquit. pag. 135. quatuor acras prati in Gore juxta hamam Gilberti*. ib. p. 176. *Computant de sex solidis, octo denariis receptis de duobus hammis prati in campo de Wendleburg*. ib. p. 572. in which later Citation *hamma prati* seems to be a narrow Skirt, Hem, or Edge of Meadow or Grass in the common Field. See Mr. *Kennet's Glossary*.

**Hamma**, Some Sort of Fishing-Tackle, perhaps the Poles with which they beat the Water, to drive the Fish into the Nets. For the Word *Hamus* in the Glossary of *Du Fresne*, is thus expounded from *Johannes de Fama*, *fusis aucupabilis, scilicet, virgula, quæ sustinet rete, quo capiuntur fera, vel quod levat rete in quo capiuntur aves, & dicitur ab Hamus*. However it is plainly some Instrument of Poching for Fish. — *Nullus hominum de cetero ingressum habeat in piscariam ratione piscandi, sed omnia retia, le hannes, & alia instrumenta piscaria, deferantur ad curiam de Mere ad opus Piscatorum*. Cartular. Abbat. Glaston. MS. f. 90. b.

**Hampsel**. See *Hamel*.

**Hamsoken**. See *Homesoken*. *Skene de verbor. Signif. writeth it Hainsuken*; and deriveth it from *Haim*, a German Word, signifying a House, and *Suchen*, that is, to seek, search, or pursue: It is used in Scotland for the Crime of him that violently, and contrary to the King's Peace, assaulteth a Man in his own House, which, (as he saith) is punishable equally with Ravishing a Woman. *Significat etiam quietantiam misericordie intrationis in alienam domum vi & injuste*. *Fleta*, lib. 1. cap. 47. Our ancient Records express Burglary under this Word *Hamsocne*. In a Charter of Donation from King *Edmund* to the Church of *St. Mary Glaston*, we have these Words, *Concedo libertatem & potestatem, jura, consuetudines & omnes forisfacturas omnium terrarum suarum, i. Burgherith & Hundred-setena, Athas & Ordel & Infangtheofas, Hamsocne & Eridebrice & Forestell & Toll & Team in omni Regno meo, &c.* It signifies also a Franchise or Privilege so called, granted to the Lords of Manors, whereby they hold Pleas, and take Cognizance of the Breach of that Immunity.

**Hand-borow**, A Surety, a manual Pledge, that is, an inferior Undertaker; for *Head-borow* is a superior or chief Instrument. *Spelm.*

**Hand in and Hand out**, 17 E. 4. cap. 2. Is the Name of an unlawful Game.

**Handful** Is four Inches by the Standard. *Anno 33 H. 8. 5. &c.*

**Hand-grith**, Peace or Protection given by the King with his own Hand. So among the Compacts of *Alured* and *Gadrin*, Sect. 1. *Et hoc est primum Editum Ecclesia, pax inter parietes suos, ut Regis Hand-grith semper inconcussa permaneat*. This is the Meaning of that Passage in the 13th Chapter of the Laws of King *H. 1. Hec mittunt hominem in misericordia Regis, infractio pacis quam per manum suam dabit alicui*. This is what we call *Battery*.

**Hand-habend**, A Thief apprehended in the very Fact, having the stolen Goods in his Hands — *Ne forisbannitum, aut furem, hand-habendam, Francigenam vel Anglicum, ultra duodecimum atatis annum, & 8 denarios valentem, impunitum transeant*. *Leges Hen. 1. cap. 59. See Fleta, lib. 1. cap. 38. Sect. 1. and Bracton, l. 3. tract. de Conna. cap. 32. Sect. 2.*

**Hand-habend**, (Sax. *Habbendre handa*) *Si quis hominem liberum latrocinium seu veni. furatam secum deferentem, (quem Habbendre handa vocant) comprehenderit, &c.* *Concil. Berghamsted, Anno 697. See Hord habend.*

**Hand-gun** Is an Engine prohibited to be used, and carried about, by the Statute 33 H. 8. 6. And though a Dag was invented of late Time, and after the Making of the said Act, and is not known by the Name of a *Hand-gun*, but by its own special Name; yet the carrying a Dag is within the said Act. See *Co. lib. 5. fol. 71, 72.*

**Handy-warpe**, A Kind of Cloth made at *Cock-sal*, *Bocking*, and *Braintree* in *Essex*, and mentioned in the Statute, 4 & 5 Phil. & Mar. 5.

**Hanifare**. See *Hinefare*.

**Hanig**, Some customary Labour to be performed. We read it in the *Monast. 2 Tom. pag. 264. Et sint quieti de operibus castellorum, parcorum, pontium & de clausuris & de carreio & sumagio & Hanig, & regalium domorum adificatione & omnimoda operatione.*

**Hankwit** alias **Hangwoite**, (from the Saxon *Hangan*, i. e. *suspendere*, and *Wite*, *multa*) Is (according to *Rastal*) a Liberty granted to a Man, whereby



whereby he is quit of a Felon or Thief, hanged without Judgment, or escaped out of Custody. We read it interpreted to be quit *de laron pendu sans Serjeants le Roy, i. e.* without legal Trial. And elsewhere, *Multa pro latrone prater juris exigentiam suspensio vel elasso.* Q. Whether it may not also signify a Liberty, whereby a Lord challengeth the Forfeiture due for him, who hangs himself within the Lord's Fee? See *Bloodwit*. It seems to be so *in consuetud. ex Domesday*, by Dr. Gale, viz. *Hangenwitbun faciens in civitate 10 s. dabit.*

**Hanok**, Si aliquis inventus fuerit qui clamorem vocatum Hanok aliquo modo sine licentia nostra inceperit, morte punietur. Stat. H. 5. Du Fresne.

**Hanper**, or **Hanaper** of the **Chancery**, (Anno 10 Ric. 2. cap. 1.) Seems to signify, as *Fiscus* originally does in Latin. See *Clerk of the Hanaper*.

**Hanse**, According to *Ortelius* in the Index to his *Additament* to his *Theatre*, verb. *Anstatici*, Is an old *Gothish* Word: It signifieth a certain Society of Merchants combined together, for the good Usage and safe Passage of Merchandize from Kingdom to Kingdom. This Society was, and in Part yet is, endowed with many large Privileges of Princes respectively within their Territories. It had four principal Seats or Staples, where the *Almain* or *German* Merchants being the Erectors of this Society had an especial House, one of which was here in London, called *Gildbalda Teutonicorum*, or among us vulgarly the *Steel-yard*. — *Et quod habeant Gildam mercatoriam cum Hanfa, &c.* Charta Hen. 7. Balivis & Burgens. Montgomer.

**Hans-Towns**, So called, either because they lay near the Sea, or from the old *Gothick* Word *Ansi*, which signifies those who were the most noble and richest of the People; and from thence we may infer, that these Towns were the chiefest for Trade and Riches; or from the German *Hansa*, i. e. *Societas*, or a Company of Merchants, or Men excelling others in Trade: At first there were seven Towns so called, and afterwards 70.

**Hantelode**, i. e. An Arrest, from the German *Hant*, i. e. an Hand, and *Load*, i. e. laid, *manus inmissio*. *Qui manus inmissionem resistit, quod Hantelode vocant*, 40 fol. solvat in publico. Du Cange.

**Hap**, Cometh of the French *Happer*, i. *Rapere*, to snatch or catch: And signifies the same with us, as to *Hap* the Possession of a Deed-poll. *Littleton*, fol. 8. To *hap* the Rent, as if Partition be made by two Parceners, and more Land be allowed to one than the other, and she that has most of the Land charges it to the other, and she *happeth* a Rent, she shall remain an Assise without Specialty.

**Haque** Is a Hand-gun about three Quarters of a Yard long. 33 H. 8. cap. 6. and 2 & 3 E. 6. cap. 14. There is also the *Half-haque* or *Demy-haque*. See *Haquebut*.

**Haquebut**, (French) A Kind of Gun or Caliver, otherwise called an *Arquebuse*. Anno 2 & 3 Ed. 6. cap. 14. and 4 & 5 Ph. & Ma. cap. 2. Otherwise called a *Hagbut*. The *Haquebut* is a bigger Sort of Hand-gun; from the Teut. *Haeck* &c.

**Haratium**, or **Haracium** (from French *Haras*) signifies a Race of Horses and Mares, kept for Breed. *Spel. Gloss. verb.* *Haratium*. *Et decimas de dominio suo, de pratiis, de bladis, parvis, Haratiis, molendinis & de Vicgriis.* Mon. Angl. part 1. f. 339.

**Hardwic**. See *Herdwick*.

**Hardwice**. *Domesday* 'Tit *Glouwer. Burg. Luncare.* — In *Wales* sunt tres Hardwices, *Luncare, Potischnet, & dimid. & in his sunt 8 carucata & 11 villani.* *Spelman* seems to interpret it a hard Village, and *Du Fresne* falls into a perfect Blunder upon the Word. I rather think it meant *Heord-wic*, the Herdsman's Village, as *Coarltan*, the *Churles-town*: Whence *Herdwick* and *Charlton*, are now the Names of very many Places.

**Harlot** alias **Herriot**, *Heriotum* Is in the Saxon Tongue *Heregate*, which is derived from *Hare*, *exercitus*, and *Geat* a Beast, and in the Saxons Time signified a Tribute given to the Lord for his better Preparation towards War. *Lambard* in his *Explication of Saxon Words*, verbo *Herecotum*: *Erat enim Herecotum militaris supellectilis prestatio, quam, obeunte vassallo, Dominus reportavit in sui ipsius munitionem*, says, *Spelman*. And, by the Laws of *Canutus*, *Tit. de Hereotis*, it appears, that at the Death of the great Men of this Nation, so many Horses and Arms were to be paid as they were in their respective Life-times obliged to keep for the King's Service. It is now taken for the best Beast a Tenant hath at the Hour of his Death, due to the Lord by Custom, be it Horse, Ox, &c. and in some Manors, the best Piece of Plate, Jewel, or the best Good. The Name is still retained, but the Use is altered; for whereas by *Lambard's* Opinion, it did signify so much as Relief doth now with us: Now it is taken for the best Cattle that a Tenant hath at the Hour of his Death, due to the Lord by Custom.

*Kitchin*, fol. 133, 134, makes *Heriot-Service* and *Heriot-Custom*; for Interpretation whereof, you shall find these Words in *Broke*, *Tit. Harlot*, nu. 5. *Harlot* after the Death of the Tenant for Life is *Harlot-Custom*. *Harlot-Service* is after the Death of Tenant in Fee-simple. In the Book called *Les Terms de la Ley*, 'tis said, that *Harlot-Service* is often expressed in the Grant of a Man, that he holds by such Service to pay *Harlot* at the Time of his Death, that holdeth in Fee-simple. *Harlot-Custom* is, when *Harlots* have been paid Time out of Mind by Custom, and this may be after the Death of Tenant for Life. And for this the Lord may distrain or seise. See *Plotw.* fol. 95, 96. *Bracton*, lib. 2. cap. 36. *Dott. and Stud.* cap. 9. But of Right neither the Lord nor Officer should take *Harlot*, before it be presented at the next Court holden after the Tenant is dead, that such a Beast is due for a *Harlot*. If the Lord purchase Part of the Tenancy, *Harlot-Service* is extinguished, but it is not so in *Harlot-Custom*. *Co. 8 Rep. Talbot's Case*. If the Lord ought to have a *Harlot* when his Tenant dieth, and the Tenant deviseth away all the Goods; yet the Lord shall have his *Harlot*, for the Law preferreth the Custom before the Devise. *Co. on Lit. lib. 3. cap. 3. pag. 185.* See *Dyer*, fol. 199. num. 58. This in Scotland is called *Herrezelda*, compounded of *Here* in Dutch, in Latin *Hervus*, that is, a Lord or Master; and *Zeild* a Gift, Tribute or Taxation. *Skene de verb. signif. verbo Herrezelda.* *Herlots*, or the delivering up of Arms at the Decease of a Tenant, did not obtain in England till the Sovereignty of the Danes, and are first mentioned in the Laws of *Canute*. The Book of *Domesday*, and generally all Monkish Writers have confounded *Herlots* and *Reliefs*: Whereas there was very great Difference between them. *Heriot* was often a *Personal*; Relief always a *predial Service*. *Herlots* were first contrived to

keep a conquered People in Subjection, and to support the publick Strength, and military Furniture of the Kingdom. *Reliefs* for the private Commodities of the Lord, that he might not have *inutilem proprietatem* in the Signiory. *Reliefs* were a feudal Service, *Heriots* before any feudal Tenure. *Vide Spelman of Feuds, cap. 18.* See Mr. Kennet's *Glossary in Heriorem*.

*Harnie*, From the German *Hernisch*, which signifies all War-like Instruments, a Word often used in our Histories, *viz. Hoveden, pag. 725. Misas ab eo cum hernaio suo in Angliam:* And in *Matt. Paris. Vita Sancti Albani, pag. 98.*

*Haro, Harron*, An Outcry, or Hue and Cry after Felons and Malefactors——*Cubicularius Episcopi Eliensis Willielmum de Holm interfecit—Margareta soror interfecti secuta est Episcopum, clamore terribili vociferans Harron super te Thoma de Lyde, Harron, Harron super te, tu enim interfecisti Fratrem meum Willielmum de Holme, Harron super te, Harron.* Hist. Elien. apud Whartoni Angl. Sacr. Par. 1. p. 658. See the Original of this *Clameur de haro* among the Normans in la Coutume de Normandie, per M. Henry Basnage. Vol. 1. pag. 104.

*Harquebus*. The same with *Haquebut*.

*Harreti canes, Harriers* or Hounds for hunting the *Hare*——*Johannes le Bay tenet duas bidas terra de Domino Rege in Bokhampton per serjantiam custodiendi unam mutam caniculorum harrectorum, (i. e. one Pack of Beagles, or small Harriers) ad custum Domini Regis.* Cart. 12 Ed. 1.

*Hart* Is a Stag of five Years old compleat, *Manwood's Forest-Laws, cap. 4. num. 5.* which he hath out of *Budeus de Philolog. lib. 10.* And if the King or Queen do hunt him, and he escape away alive, then afterward he is called a *Hart-Royal*: And if the Beast by the King or Queen's hunting be chased out of the Forest, and so escape, Proclamation is commonly made thereabout, that in Regard of the Pastime, that the Beast hath shewed to the King or Queen, none shall hurt him, or hinder him from returning to the Forest; and then he is a *Hart-Royal* proclaimed.

*Harth-penny, and Harth-Silber, and Harth-Money.* See *Chimney-Money and Peter-Pence.*

*Hasp*, The *Hasp* or Clasp of a Book. In the Statutes of the Cathedral Church of St. Paul in London, it was ordained——*ut Servientes Ecclesie assentes & haspas librorum suis sumptibus reparari faciant, si per culpam illorum confringantur.* Liber Statutorum Eccl. Pauline London. MS. f. 29. a. *Sacrista curet quod Libri bene ligentur & haspentur, &c.* ib. 6. 39. b.

*Hasta porci*, A Shield of Brawn.——*Johanna de Musgrave tenet terras in Blechesdon de Domino Rege per servitium deferendi Domino Regi unam hastam porci pret. 11. den. cum fugaverit in parco suo de Cornbirie.* Paroch. Antiquit. p. 450.

*Hatches* or *Hatches*, (mentioned in the Stat. 27 H. 8. 23. by the Name of *Hatches* and *Tits*) are certain Dams or Mounds made of Rubbish, Clay or Earth, to prevent the Water issuing from the Stream-works, and Tin-washers in Cornwall, from running into the fresh Rivers. And the Tenants of *Balyfstoke*, and other Manors there, are bound to do yearly certain Days Works ad la *Haches*. *Survey of Cornwall.*

*Hatibergetz.* See *Haberjests*.

*Haubergetum*, The same with *Halsberga*. *Fleta, lib. 1. cap. 24. par. 12.* It otherwise signifies a Kind of Woollen Cloth. See *Haberjests*.

*Habedelond*, A Head-land, now commonly a *Had-land*, whence the *Head-way* or *Had-way*. *Paroch. Antiq. p. 587.*

*Hauls*, A Haven: *Duas partes decimarum de Haulis, &c.* *Monast. 1 Tom. 564.*

*Haur* (LL. Will. 1. cap. 16.) seems to be there used for Hatred; from the French, *Hair* to hate.

*Hauthoner*, *Homo loricator*, a Man armed with a Coat of Mail. *Et faciendo servitium de Hauthoner, quantum pertinet ad predictam villam.* *Charta Galfridi de Dutton, tempore Hen. 3.*

*Haw*, (from the Saxon *Haga*) A small Quantity of Land so called in Kent; as a *Hemphaw*, or *Beanhaw*, lying near the House, and enclosed for that Use. *Saxon Dict.* But I have seen an ancient MS. that says, *Hawes vocantur mansiones sive domus.* And Sir Edw. Coke (on Littl. fol. 5. b.) says, in an ancient Plea concerning *Feversham* in Kent, *Hawes* are interpreted to signify *Mansions*. *Cambden* says, That *Hawgh* or *Howb* signifies a green Plot in a Valley, as they use it in the North.

*Haward.* See *Hayward*.

*Hawberke*, Cometh of the French *Haubert*, *Lorica*, whereupon he that holdeth Land in France, by finding a Coat or Shirt of Mail, and to be ready with it when he shall be called, is said to have *Hauberticum feudum*; whereof *Hotoman* writeth thus, *Hauberticum feudum Gallica Lingua vulgo dicitur pro Loricatorum, i. datum vassallo ea conditione, ut ad edictum Loricatorum sive Cataphractus sit paratus. Nam ut Lorica Latinis proprie tegmen de loro factum quo majores in bello utebantur, &c. frequentissima autem pro aenea armatura integra usurpatur; sic apud Gallos Haubert proprie Lorica annulis contextam significat, quam vulgus Cote de Maille appellat.* *Hotom. in verb. Feudal. verbo Hauberticum Feudum.* *Hauberke*, with our Ancestors, seemeth to signify as in France a Shirt or Coat of Mail, and so it seemeth to be used, 13 E. 1. Stat. 3. cap. 6. Though in these Days the Word is otherwise written, as *Halbert*, and signifies a Weapon well enough known.

*Hawes*, In *Domesday-Book* signifies Mansions or Dwelling-Houses.

*Hawes*, Small Vessels of Burden to carry Goods in the River *Thames* from *Feversham*, &c. to London, such as are still called *Hoys*, *Anno 30 Edw. 1.*——*Ante fundationem Abbatis de Feversham fuit villa & manerium de Feversham cum pertin.*

——*in manibus Regum Angl.*——*quo tempore fuerunt in predicta villa triginta & duo mansiones, que vocabantur triginta & dua hawes, que pro rebus & bonis suis in aqua flotantibus fuerunt scottantes & lottantes cum ipsis de Dover in auxilium servitii sui viginti navium in quibus tenentur Domino Regi in guerris suis.*——*Placit. temp. Ed. 1 & 2. MS.* yet I rather think it meant of xxxii *Hagbe*, *Hagbs*, or Houses.

*Hawkers* Be a Sort of deceitful Fellows that go from Place to Place, buying and selling *brass*, *Pewter*, and other Merchandise, that ought to be uttered in open Market: The Appellation seemeth to grow from their Uncertainty, like those that with *Hawks* seek their Game where they can find it; you may read the Word 25 H. 8. 6. and 33 H. 8. 4. We now call those *Hawkers* that go up and down the Streets crying *News-Books*, and selling by Retail; and those who sell them by Wholesale from the Press are called *Mercurys*.

**Hay**, (*Haya*, French *Haye*) An Hedge, an Inclosure, anciently fenced with Rails, as in *Cank-Forest* there were seven such, and one in most Parks; sometimes it is used for the Park it self, sometimes for an Hedge or hedged Ground. *Universis Capitulum B. Petri Ebor. concessisse ad firmam totam Hayam nostram de Langerath cum solo ejusdem Hayæ, bruera, mariso, & omnibus aliis pertin. Reddendo inde annuatim nobis tempore pinguedinis unum damum, & fermisone tempore unam damam, &c. Dat. 13 Kalend. Jan. Anno 1279.*

**Hayam.** The same with *Haia*.

**Hayboot** Is derived from the Saxon *Hag*, i. e. an Hedge, and *Bote*, i. e. a Mulf or Reconipence for Hedg-breaking, or rather, a Right to take Wood necessary for making Hedges, either by Tenant for Life, or for Years, though not expressed in the Grant or Lease. 'Tis mentioned in the *Mon. 2 Tom pag. 134. Et concedo ei ut de bosco meo Heybot, &c.* And in the same Place *Husbote* signifies a Right to take Timber to repair the House. *John Fitz-Nigel, Forester of Bernwood, had, in Dominico Bosii Domini Regis, Husbote & Heybote pro custodia dictæ Forestæ. Paroch. Antiqu. pag. 209.*

**Hayward** alias *Hatward*, Is a compound of two French Words, viz. *Haye* i. *Sepes*, and *Garde*, i. *Custodia*, and signifies one that keepeth the common Herd of the Town; and the Reason may be, because one Part of his Office is to look that they neither break nor crop the Hedges of enclosed Grounds: He is an Officer sworn in the Lord's Court, and the Form of his Oath you may see in *Kitchin, fol. 46.*

**Hazarders** Are such as play at Hazard, a Game at Dice so called; Hazard or *communis ludens ad falsos talos, adjudicatur quod per sex dies in diversis locis ponatur super Collistrigium. Inter plac. Trin. 2 H. 4 Suffex 10.*

**Headborough**, Derived from the Saxon *Head*, id est, *Caput*, & *Borge*, i. *Pignus*, signifies him that is Chief of the Frank-pledge, and him that had the principal Government of them within his own Pledge. And as he was called *Head-borow*, so was he also called *Burrow-head*, *Burgholder*, *Third-borow*, *Tithing-man*, *Chief-pledge* or *Burrow-elder*, according to the Diversity of Speech in several Places. Of this see *Lambard* in his *Explication of Saxon Words*, verbo *Centuria*, and in his *Treatise of Constables*, and *Smith de Rep. Angl. lib. 2. cap. 22.* The same Officer is now called a *Constable*. See *Constable*. The *Headborough* was the Chief of the ten Pledges, the other nine were called *Handboroughs* or *Plegii manuales*, i. e. inferior Pledges. See *Fribourg*.

**Head-pence** Was an Exaction of 40 li. or more, heretofore collected by the Sheriff of Northumberland, of the Inhabitants of that County twice in seven Years, that is, every third and every fourth Year, without any Account made to the King, which was therefore by the Statute of 23 H. 6. cap. 7. clearly put out for ever. See *Common Fine*.

**Head-silver.** See *Head-pence*.

**Healfang** or *Halsfang*, (*Collistrigium*) is compounded of two Saxon Words *Hals*, i. e. *Collum*, and *Fang*, *Captura*; pœna scilicet, qua alicui collum stringatur, (*Collistrigium*). See *Pillory*. But *Healfang* cannot signify a Pillory in the Charter of *Canutus de Forestis*, cap. 14. *Et pro culpa solvat Regi decem solidos quos Dani vocant Halsfang.* Sometimes 'tis taken for a pecuniary Punishment or Mulf,

to commute for standing in the Pillory, and is to be paid either to the King or to the Chief Lord, viz. *Qui falsum Testimonium dedit, reddat Regi vel terra Domino Halsfang. Leg. H. 1. cap. 11.*

**Healgemot.** See *Halymot*.

**Hearth-Money.** See *Chimney-Money*.

**Hebber-man**, A Fisherman below *London Bridge*, who fishes for Whittings, Smelts, &c. commonly at *Ebbing Water*, and therefore so called. Mentioned in *Art. for the Thames Jury*, printed 1632. Stow in his *Survey of London*, pag. 19. says, They are a Sort of Poachers, or unlawful, Catchers of Fish in the River of *Thames*.

**Hebberthef**, The Privilege of having the Goods of a Thief, and the Trial of him, within such a Liberty. In a Charter of *Edward the Confessor* to the Abbey of *St. Edmund*—*istæ reftitudines videl. Hamsokne, & Grichbrech, & Forstoll, & Ferdwite, & Hebberthef, & Frithwire*—*Cartular. S. Edmundi. MS. fol. 103.*

**Hebbling-weats**, (mentioned in 23 Hen. 8. cap. 5.) Are Wears or Engines made or laid at *Ebbing Water*, for taking Fish. *Quare.*

**Hebdomarius**, The Weeks-man, or Canon or Prebendary in a Cathedral Church, who had the peculiar Care of the Quire, and the Offices of it for his own Week—*Garnaliel Clifton electus in Decanum Hereford, 5 Jul. 1529. Milo Ragon Prebendarius de Preston fuit tunc Hebdomarius, eoquo pretextu Capituli Presidens*—*Registrum Caroli Bothe Episcopi Hereford. MS. penes Johannem Episc. Norwic.*

**Hebdomas**, A Week, derived from *ἑβδ*, seven; as *septimana* from *septem*. *Julius Cesar* divided the Year into Twelve Months, each Month into four Weeks, and each Week into seven Days, according to the Number of the seven Planets. See more of this Matter at large, *Skene de verbor. signif. verbo Hebdomas.*

**Heck** is the Name of an Engine to take Fish in the River *Ouse* by *York*, Anno 23 Hen. 8. cap. 18. And *Heccagium*, which occurs in our Records, may be the Rent paid to the Lord of the Fee, for Liberty to use those Engines.

**Heda**, A Hithe, or Port, a Wharf, or landing Place. As in this Charter of *Adelida*, Wife of King Henry 1. —*Sciatis presentes & futuri quod Ego Adelid, Dei gratia Anglorum Regina, dedi Ecclesie de Radings unoquoque anno in Natali Domini centum solidos de heda mea ad faciendum anniversarium Domini mei Regis Henrici, & volo & firmiter precipio quod ipsi sint primi centum solidi qui singulis annis exierint & haberi poterint de prædicta heda mea London, Test. &c. Cartular. de Radings, MS. fol. 5. a.*

**Hedagium**, Toll or Custom paid at the Hithe or Wharf, for landing Goods, &c. from which customary Duties Exemption was granted by the King to some particular Persons and Societies. —*Sintque Abbas & Monachi de Radings & homines eorum & res ipsorum quiesci de hedagiis & theloneis & omnibus exactionibus & consuetudinibus per totam Angliam. Cartular. Abbatie de Radings. MS. f. 7. a.*

**Hegilwite**, the same with *Haybote*.

**Heta.** See *Hercia*.

**Heimineum**. *Salvo servitio quatuor hominum, quolibet tertio Anno per sex dies ad meum Heimineum faciendum, apud Dedleson. Charta Hugonis de Boydel. temp. H. 2.* It signifies an Hayment, or Hedge-fence.

**Hensfare.** See *Hinesfare*.

**Heir, Heres,** Though the Word be borrowed of the Latin, yet it hath not altogether the same Signification with us that it hath with the Civilians; for whereas they call *Heredem, qui ex testamento succedit in universum jus Testatoris*; the Common Law calls him *Heir*, that succeeds by Right of Blood in any Man's Lands or Tenements in Fee, for by the Common Law nothing passeth *Jure hereditatis*, but only Fee; Moveables, or Chattels immovable, are given by Testament to whom the Testator listeth, or else are at the Disposition of the Ordinary, to be distributed as he in Conscience thinketh meet. *Cassianus in consuetud. Burg. pag. 909.* hath a Distinction of *Heres*, which, in some Sort, accordeth well with our Law; for he saith, There is *Heres sanguinis & hereditatis*. And a Man may be *Heres sanguinis* with us, that is, *Heir* apparent to his Father or Ancestor; and yet may, upon Displeasure, be defeated of his Inheritance, or at least the greatest Part of it. Every *Heir* having Lands by Descent, is bound by the binding Acts of his Ancestors, if he be named: For *Qui sentit commodum, sentit debet & onus.* Co. on Lit. f. 7, 8.

**Last-Heir.** See *Last*.

**Heir-loom,** (of the Saxon *Heier*, i. e. *Heres*, and *Leome*, i. e. *Membrum*) The Word by Time hath a more general Signification than at first it did bear, comprehending all Implements of Household, as Tables, Presses, Cupboards, Bedsteads, Wainscot, and such like; which, by the Custom of some Countries, having belonged to a House certain Descents, are never inventoried after the Decease of the Owner, as Chattels, but accrue to the *Heir* with the House it self by Custom. *Spelman* says of it, *Omne utensile robustius quod ab edibus non facile revellitur, ideoque ex more quorundam locorum ad heredem transit, tanquam membrum hereditatis.* And Co. on Lit. fil. 18. says, *Consuetudo Hundredi de Stretford in Com. Oxon. est quod heredes tenementorum infra Hundredam predictam existen. post mortem antecessorum suorum habebunt, &c. Principalium, Anglice an Heyre-loom, viz. de quodam genere catallorum, uterfilium, &c. optimum plausrum, optimum carucam, optimum cyphum, &c.*

**Hensfare alias Hinesfare.** *Discessio famuli a Domino.* The Word is compounded of *Hine*, a Servant, and *Fare*, an old English Word signifying a Passage.

**Hegira,** The Mahometan *Æra*, or Computation of Time, beginning from the Flight of Mahomet from Rome, which was, July 16. Anno Christi 622.

**Hena,** *Servitium*, Inter placita de temp. Jo. Regis, Northampton 50.

**Helsing,** A Brass Coin among the Saxons, equivalent to our Half-penny.

**Helm,** Thatch or Straw. *Inter antiquas consuetudines Abbatia de S. Edmundo— in villa de Herdwyke— Custumarius triturbabit & mundabit pro quolibet opere dimidiam summam de quolibet genere bladi per mensuram grangiarum— & habebit in recessu suo quando triturbat ad grangias ad quodlibet opus quantum possit semel colligere de foragio tunc triturbato cum rastello, & dicitur helm.* Ex Cartular. S. Edmundi. MS. f. 321.

**Helow-wall,** The *Hell-Walls*, or *End-wall*, that covers and defends the Rest of the Building. From Saxon *Helan*, to cover or heal, whence a Thatcher, Slater, or Tiler, who covers the

Roof of a House, is in the Western Parts called a *Hellier*.— *Insolutis eidem Domina pro quodam Helowe-wall unius domus apud Carthyngton annuatim 11 den. Paroch. Antiq. p. 573.* The *Hollen* in the North is a Wall set before Dwelling Houses to secure the Family from the Blasts of Wind rushing in when the Heck or Door is open: To which most on that Side next the Hearth or Chimney is affixt a Screen of Wood or Stone. See Mr. *Kennet's Glossary*.

**Hem.** The Ovens wherein the *Lapis Calaminaris*, or *Calamine* is baked, have a Hearth made on one Side of the Oven, divided from the Oven it self by a Partition open at the Top, by which the Flame passes over, and so heats and bakes the *Calamine*. This Partition is called the *Hem* in *Somersetshire*.

**Henchman,** *Qui equo innotitur bellicoso*, From the German *Hengst*, a War-Horse: With us it signifies one that runs on Foot, attending upon a Person of Honour or Worship, Anno 3 *Edw. 4. cap. 5.* and 24 *Hen. 8. cap. 13.* It is written *Henxman*, Anno 6 *Hen. 8. cap. 1.*

**Henedpeny,** A customary Payment of Money instead of Hens at Christmas: From the Saxon *Hen*, Gallina, and *Penning*, *denarius*. *Sint quieti de chevagio & Henedpeny, & Buckstall & tristris, &c.* Monast. 2 Tom. 827. In a Charter of *Edw. 3.* confirming many Privileges to the Priory of *Pulton*, 23 *Edw. 3.*— *quieti sint de— fengel-dis, hornegeldis, & perygeldis, & Thenedirypeny, Hundedisseny, & de Meskenyng, & de chevagio, & henedpeny, & Bucestall, & tristris.*— Mon. Angl. tom. 2. pag. 327. a. *Du Fresne* thinks it may be *Hen-peny*, *gallinagium*, or a Composition for Eggs. But possibly it is misprinted *Henedpeny* for *Heved-peny*, or *Head-peny*.

**Hencward,** A Duty to the King in *Cambridgeshire*. *Domesday*.

**Hentare,** An Amerciament for Flight for Murder. *Domesday*.

**Henghen,** (Saxon *Hengen*) A Prison, Gaol or House of Correction. *Si quis amicis destitutus, vel alienigena, ad tantum laborem veniat, ut amicum non habeat, in prima accusatione ponatur in Hengen, & ibi sustineat donec ad Dei judicium vadat.* LL. Hen. 1. cap. 65.

**Hengwite,** Significat quietantiam misericordie de Latrone suspensio absque consideratione. *Fleta*, lib. 1. cap. 47. See *Hankwit*.

**Heordfeste,** The same with *Husfestane*, i. e. the Master of a Family: From the Saxon *Heorpfest*, i. e. fixed to the House or Hearth: *Non sit aliqua liberorum reffitudine dignus, sit Heordfeste, sit folgarus, sit in Hundredo & in Plegio constitutus.* Leges Canuti, cap. 40. See *Hurdereferst*.

**Heordpenny,** Olim *Romescot* & postea *Peter-pence*: From the Saxon *Heorth*, focus, and *Pening*, *denarius*. See *Peter-pence* and *Romescot*.— *Omnis heordpeni reddat ad Festum S. Petri, & qui non persolveret ad terminum illum deferat eum Romæ.* Leges Edgari Regis, cap. 5. apud *Bromptonum*.

**Herald,** *Ursalt* or *Harold*, Italian *Heraldo*, Fr. *Herauld*, quasi herus altus. *Versfegan* thinks it may be derived from two Dutch Words, viz. *Here*, exercitus, and *Healt*, pugil magnanimus: As if he be called, *The Champion of the Army*. With us it signifies an Officer at Arms, whose Business is to denounce War, to proclaim Peace, or otherwise be employed by the King in martial Messages, or other Business: The Romans called them plurally *Feciales*. *Polydore*, lib. 19. describes them thus,



thus, *Habent insuper Apparitores ministros, quos Heraldos dicunt, quorum praefectus Armorum Rex vocatur; hii belli & pacis nuntii; ducibus, Comitibusque a Rege factis insignia aptant, ac eorum funera curant.* Nay more, They are the Judges and Examiners of Gentlemen's Arms, marshal all the Solemnities at the Coronations of Princes, manage Combats, and such like: There is one and the same Use of them with us and the French, whence we have their Name; and what their Office is with them, see *Lupanus, lib. i. de Magistr. Francor. cap. Herald.* There be divers of them with us, whereof three being the Chief, are called *Kings at Arms.* And of them *Gartr* is the Principal, instituted and created by *Henry the Fifth, Stow's Annals, p. 584.* whose Office is to attend Knights of the Garter at their Solemnities, and to marshal the Funerals of all the greater Nobility; as Princes, Dukes, Marquesses, Earls, Viscounts and Barons. And in *Plowden, in Reniger and Fogassa's Case,* we read that *Edward the Fourth* granted the Office of King of *Heralds* to one *Gartr, Cum feudis & proficiis ab antiquo, &c. fol. 12.* The next is *Clarentius*, ordained by *Edward the Fourth*, for he attaining the Dukedom of *Clarence*, by the Death of his Brother *George*, whom he beheaded for aspiring to the Crown, made the *Herald*, which properly belonged to the Duke of *Clarence*, a King at Arms, and called him *Clarentius*; his proper Office is to marshal and dispose the Funerals of all the lesser Nobility, as Knights and Esquires, through the Realm, on the South Side of *Trent*. The third is *Norroy*, or *North-roy*, whose Office is the same on the North-side of *Trent* that *Clarentius* hath on this Side, as may well appear by his Name, signifying the northern King, or King of the North-parts. Besides these, there be six other properly called *Heralds*, according to their Original, as they were created to attend Dukes, &c. in martial Expeditions, viz. *York, Lancaster, Somerset, Richmond, Chester and Windsor.* Lastly, there be four other called *Marshals*, or *Pursuivants at Arms*, reckoned after a Sort in the Number of *Heralds*, and do commonly succeed in the Place of the *Heralds*, when they die, or be preferred; And those be *Blue-mantle, Rouge-croix, Rouge-dragon and Portcullis.* These *Heralds* are by some Authors called *Nuncii sacri*, and by the ancient Romans *Feciales*, who were Priests. Nam *Numa Pompilius* divini cultus institutionem in octo partes divisit, & ita etiam sacerdotum octo ordines constituit, &c. Septimam partem sacra constitutionis collegio eorum adiecit, qui *Feciales* vocantur: Erant autem ex optimis domibus viri electi, &c. quorum partes in eo versabantur, ut fidei publica inter populos praesent, neque justum aliquod bellum fore censebatur, nisi id per *Feciales* esset inditum. *Corasius-Miscel. juris civilis, lib. i. cap. 16. num. 12.* Kings at Arms are mentioned in *Stat. 14 Car. 2. 33.* Of these, see more in *Spelman's Glossary.*

*Herbage, Herbagium*, Signifies the Fruit of the Earth, produced by Nature for the Bite or Mouth of the Cattle; but is most commonly used for a Liberty that a Man hath to feed his Cattle in another Man's Ground, as in the Forest, &c. *Crompt. Jur. fol. 197. Occurrit frequens pro jure depascendi alienum solum ut in Forestis*, says the learned *Spelman*.

**O**mnibus — *Hugo de Logiis salutem. Sciatis me dedisse Thomae de Erdyngton totam terram meam*

*de Alstedemore cum pertin' Reddendo inde annuatim sex sagittas barbatus ad festum St. Mich. Salvo mihi & Marg. uxori meae, quod nos in predicta terra habebimus Liberum Herbagium ad custum nostrum nobis & omnibus hominibus nostris de familia nostra transeuntibus, &c. Sine Dat. Penes Will. Dugdalc Arm.*

*Herbagium antierius*, The first Crop of Grass or Hay in Opposition to After-Math and second Cutting — *Dicunt quod est communis via, & sua communis pastura, quum scorum & antierius herbagium amoveantur.* *Antiq. Parochial, pag. 459.*

*Herbery*, An Inn: From the Saxon *Her*, *Hic* and *Bergen*, *abscondere*; or from *Here*, *exercitus*, and *Bergen*, *tegere*; hinc *Hereberga* significat *Castrum*.

*Herbenger*, From the French *Herberger*, that is, *Hospitio accipere*, signifieth an Officer in the King's House, that allotteth the Noblemen, and those of the Household their Lodgings. *Kitchin, fol. 176.* uses it for an Inn-keeper.

*Herbergagium*. *Peter de Marton* gave the Monks of *Blyth Abbey* Timber to make *Herbergagia*; i. e. Lodgings to receive Guests in the Way of Hospitality, *ut opinor.*

*Herbergatus*, *Volo etiam quod Burgenfes mei molent omnia blada sua super terram de Altringham crescentia, vel in eadem Villa Herbergata, ad molendina mea, pro octavo decimo vase milturae.* *Charta Hamonis de Massy, sine dat. i. e. Hospitio expensa*, spent in an Inn.

*Herbigere, Herebigere*, To harbour, to entertain, from *Heribergum, Heriberga*. Saxon *here berg*, a House of Entertainment — *Ballivi praecerunt civibus sufficientiam domorum ad herbiganum & ad hospitandum populum — in anno jubileo apud Cantuariam 1420.* *Somner's Antiq. p. 248.* Hence our *Herbinger*, or *Harbinger*, who provides Harbour or House-room, &c.

*Herburgerie*, i. e. Inn-keepers.

*Herce*, A Harrow, Lat. *Hercia*. *Fleta, lib. 2. cap. 77. Carucas & Hercias reparare*, and in *Domesday, per Gale, fol. 760. Habet Rex, &c. unum jugum de ora & unum jugum de Herce.*

*Herciare*, (from the French *Herce*, to Harrow) *Arabant & Herciabant ad Curiam Domini, i. e. They did plough and harrow at the Manor of the Lord. 4 Inst. fol. 270.*

*Hercia*. The same with *Herce*; it signifies also a Candlestick set up in Churches, made in the Form of an Harrow; in which many Candles were placed. *Die sepultura & die mensis, & pro corpore fisto, i. e. Cenotaphium, cum Hercia, i. e. Candelabro in Hercia modum confecto*, which was filled with several Candles, and placed ad caput *Cenotaphii*.

*Herculis Promontorium*, *Hertly Point* in *Devonshire*.

*Herdelmich* or *Herdelwic*, (*Herdeuycha*) a Grange or Place for Cattle and Husbandry. *Et unam Herdeuycham apud Hethcotun in Peco, &c. Mon. Angl. 3 part. fol.*

*Herdwerch*, *Heordwerth*, Herdsman's Work, or customary Labours done by the Shepherds, Herdsmen, and other inferior Tenants at the Will of their Lord. — *Cum autem in hostis nostris aliqua succiderimus, licebit eis sine aliquo ferramento vel aliquo ustilio succibili intrare, & ramalia qua de toyvede remanserint, qua Anglice Spron dicuntur, colligere. Hec siquidem habent pro opere quod Anglice*

*Anglice Herdwerch dicitur, pro quo in Autumno metant per unamquamq; familiam aut dimidiam acram ordei aut virgatam & dimidiam frumenti, aut tantundem avena.*—Anno 1166. Regist. Ecclesie Christi, Cant. MS.

**Herebote**, The King's Edict, commanding his Subjects into the Field: From the Saxon *Here*, exercitus, and *Bode*, a Messenger.

**Hercumbam**, **Hercumbam**.—*Tresdecem acras & dimidiam terra versus hercumbam de dominico meo*—in *hercumbam de dominico meo xii. acras & dimidiam*—Cartular. Abbat. Glasston. MS. fol. 36. a. It is in other Parts of the same Chartulary called *Hercumbam*, and *Hercumbalida*.

**Hereditaments**, **Hæreditamenta**, Signify all such Things immoveable, be they corporeal or incorporeal, as a Man may have to himself, and his Heirs, by Way of Inheritance; (See 32 H. 8. cap. 2.) or not being otherwise bequeathed, do naturally, and of Course descend to him which is next Heir of Blood, and fall not within the Compaſs of an Executor or Administrator as Chattels do. It is a Word of large Extent, and much used in Conveyances; for by the Grant of *Hæreditaments*, *Illes*, *Seigniorics*, *Manors*, *Houses* and *Lands* of all Sorts, *Charters*, *Rents*, *Services*, *Advowsons*, *Commons*, and whatever may be inherited, will pass. *Co. on Lit. fol. 6.* *Hæreditamentum est omne quod jure hæreditario ad hæredem transeat.* *Hæreditamenta corporea* (according to Judge *Doderidge*) are *Revenues* local, and of annual Value. *Hist. of Wales, f. 90*

**Hærefare**, (Saxon) *Profectio militaris & expeditio.* See *Subsidy*. A military Expedition, a going to Warfare.

**Hæregeat** or **Hæreget**, *Dicitur juxta relevatio, Anglice Hariot.* MS. in Bibl. Cotton. sub Tit. *Vitelius. C. 9.* See *Hariot*.

**Hæregeld**, (Saxon) *Pecunia seu tributum alendo exercitui collatum.* A Tribute or Tax levied for the Maintenance of an Army. See *Subsidy*.

**Hærellus**, A Sort of little Fish, perhaps Minnows, or rather Gudgeons—*Slatwære reddit tria millia anguillarum & unum mille ex hærellis, & sunt xxviii virgata terra.*—Chartular. Glasston. MS. f. 39.

**Hæremach**, An Archdeacon.

**Hærenomes** alias **Hæreteams**, One who follows an Army of Rebels. *Lamb. Leges Inæ, cap. 15.* In exercitu pradarum, &c. from *Here*, exercitus, and *Team*, sequela.

**Hæreschild**, The same with *Seutage*.

**Hæressita** or **Hæressa**, or **Hæressiz**, Denotes a hired Souldier, that departs without Licence, derived from the Saxon *Here*, exercitus, and *Sliten*, to depart, according to *Co. 4. Inst. fol. 128.* whom I rather incline to follow, than him who would instead of *Sliten*, to depart, put in *Slitan*, scindere.

**Hæretaynes**, The same with *Hærenames*.

**Hæretico comburendo**. See *Hæretico comburendo*.

**Hæretochi**, The General of an Army: From the Saxon *Here*, exercitus, and *Togen*, ducere; but the *Herotochi* were the Barons of the Realm, and inferior to Earls and Viscounts. *Intersunt Episcopi Comites, Vice omnes, Heretochii, Trithingrævi, Ledgrevi.* Leg. H. 1. Du Cange.

**Hæretochias**, A Leader or Commander of military Forces: See at large the Name and Office in the Laws of *Edward the Confessor.* cap. 35. De *Hæretochiis*.

**Hæretum**, A Court or Yard for drawing up the Guards or military Retinue, which usually at-

tended our Prelates and Nobility.—*Thomas Langley Episcopus Dunelmensis apud manerium de Houldon construxit totas portas occidentales opere camentario, per quas transferint ad heretum vel pomarium.* Hist. Dunelm. apud Whartoni Angl. Sac. Pars 1. pag. 776.

**Hærga**, a Harrow.

**Hærgripa**, Pulling by the Hair; from the Sax. *Har*, capillus, and *Grypan*, capere: *Si quis aliquem per capillos arripiat, tantum emendat quantum de uno Colpo faceret, id est, quinque denarios de Hærgripa.* Leg. H. 1. cap. 94.

**Hærigalds**, A Sort of Garment so called: *Capas autem deferant clausas Sacerdotes, & personatum habentes ubique, & non amplius utantur Hærigaldis.*

**Hæring-silber**, It seems to be a Composition in Money, as an Equivalent for the Custom of paying so many Herrings, for the Provision of a religious House.—*Est quadam consuetudo in villa de wylegh ubi villani tenentes debent solvere quilibet pro tenemento suo Hæring-silver, scil. 1. den. ob.* Abbati de Colechester. Placita Term. S. Trinit. 18 Edw. 1.

**Hæriot**. See *Hariot*. See *Pretium sepulchri*.

**Hæreireit**, Idem ut *Hærenames*: From the Saxon *Here*, an Army, and *Rit*, agmen, which we call Rout.

**Hærischild**, Military Service, or Knight's Fee: From the Saxon *Here*, an Army, and *Scyld*, scutum.

**Hærisshit**, Laying down of Arms: From the Sax. *Here*, exercitus, and *Slitan*, scissura.

**Hæriscindium**, A Division of Household Goods: *Non toties fieri placet Hærescindia mecum, i. e. I am not pleased so often to divide my Goods.*

**Hæristall**, A Castle, from the Saxon *Here*, an Army, and *Stall*, statio.

**Hærmes**, i. e. A great Lord: From the Saxon *Hera*, Major, and *Mere*, dominus. Du Cange.

**Hærmimus**, i. e. *Mus Ponticus*, A Mouse of whose Skins we have *Ermine*.

**Hærmutage**, (*Hermitagium*) The Habitation of a Hermite, a solitary Place. *Vulgariter autem locus iste a laicis Heremitagium nuncupatur, propter solitudinem; non quod Heremita aliquis aliquo tempore ibidem solebat conversari.* Mon. Angl. 2 par. f. 339. b.

**Hærmitozium** Is by some Authors confounded with *Hermitagium*; but I have seen it distinguished, to signify the Chapel or Place of Prayer, belonging to an *Hermitage*, for I find in an old Charter, *Capella sive Hermitorium. Erimitorium in bosco D. Ducis petiit, ibique domum hanc aliquanto tempore coluit.* Knighton. lib. 5.

**Hærenesens**, *Hærens. Universis, &c. Willielmus Permissione divina, Prior Elien. & Com. &c. Noveritis me concessisse Willielmo Seman—Cum proficuo pannagii & avium vocat. Hærenesens, in dicto parco nidificantium—Salvo nobis duobus corvillis de Hærenesens, &c. dat. 1. Maii, anno 19 Hen. 6.* Ex Cartular. Ecclesie Eliensis, penes Joh. Episcop. Norwic. MS. f. 33.

**Hærenesium**, Anciently used for the Tackle or Furniture of a Ship. *Cepit etiam in prædicta navi Hærenesia ad navem illam spectantia.* Pl. Parl. 22. Edw. 1.

**Hærenesium**, **Hærnasium**, From the Teuton. *Harnas*, English *Harnes*. It signified any Sort of Furniture of a House, Implements of Trade, or Rigging of a Ship.—*Mensa principalis, ubi Archiepiscopi comedere solent, adeo se cepit subito excutere, quod Hærenesium eorum totum, fellas scilicet,*

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& eliteilas, & cetera supposita ad terram cum magno fragore deiecerat. Girald. Cambr. apud Whartoni Angl. Sacr. Pars 2. p. 425. — Unam largam portam ad currus & careclas — & unam portam ad latitudinem octo pedum ad summagia & hernasia du-cenda in venella inter domum, &c. Mr. Izack's Anti- quities of Exeter, p. 24. — Walterus Hobbe cepit quandam navem, & in predicta navi hernaia ad na- vem illam spectantia, ad valentiam centum solidorum. Placita Parliament. anno 22 Ed. 1. It was an O- verlight in Sir Henry Spelman to write the Word from Fitzberbert, fol. 94. Herveium instead of Hernaia: Which made him unable to give any Explication of it.

Heroudes, the same with Heralds: Et assistebant eis quatuor duces, &c. bene ad estimationem Heroudes, &c. Knighton, p. 2571.

Herptia, A Place of Immunity. See Fred- mortel.

Hership, idem ut Herischild.

Hersia. See Hertia.

Hesia. Usque ad quandam Hesiam ante Messuagi- um Will. Warin. Charta Antiq. The Word sig- nifies an Easement: Ascendendo per veterem sepem, & sic per vetus fossatum & haisiam usque ad Hesiam extra bosum. Du Cange, in verbo Aisea.

Hestia or Hestha, (a Corruption of the Lat. Hestia) a little Loaf of Bread. Domesday. See Rusea.

Hest-cogn, In redeundo vero Rex Athelstanus, post peractam victoriam, declinavit per Ebor. versus Be- verlaecum, ac nonnullas possessiones redimendo, Custel- lum per eum ibi depositum, dedit Deo & glorioso Confes- sori Johanni predicto, ac septem Presbyteris ibidem Deo servientibus. Quasdam avenas, vulgariter dictas Hest-corn, percipiendas de Dominis & Ecclesiis in il- lis partibus, quas Ministri dicte Ecclesie usque in praes- ens percipiunt pacifice & quiete. Mon. Angl. 2 par. f. 367. b.

Hestha, a Capon or young Cockerill: Quando Rex ibi veniebat, reddebat ei unaquaque carucata 200 Hesthas. Domesday. Tit. Cestrc.

Heuch. idem quod Hedge.

Heubelborth, a Surety. From the Sax. Healf, Dimidium, and Borgh, debitor, vel fidejussor. Quia qui fidejubes, debitorem se quodammodo constituit. Du Fresne in verbo.

Hexam. Anciently Hapustald and Hargulfad, was formerly a County of it self, and a Fran- chise, where the King's Writ went not: But by the Statute of 14 El. cap. 13. Hexam and Hexam- shire shall be within the County of Northumber- land. See 4 Inst. f. 22. It was also of old a Bishoprick by the Name of Episcopatus Hugu- faldensis. See Mon. Angl. 2 par. fol. 91. See Ax- lodunum.

Heybote. See Haybote.

Heylode. — Rogerus Prior & Conventus Ec- clesie Christi Cantuar. quietos clamant Magistrum & Fratres Hospitalis S. Mariae de Ospreng, & eorum Suc- cessores de consuetudinibus subscriptis, videlicet, de arura, de Hateswire, Ripselver, Wadelade, Heylode Averselver, Lambselver, & tribus busellis orde, que consuetudines nobis fieri solent in curia nostra de Ade- sham. — dat mense Febr. 1242. Registr. Ec- clesie Christi Cantuar. MS. penes Joh. Norwic. Episcopum, where Heylode seems to signify a custo- mary Load or Burden laid upon the inferi- or Tenants for mending or repairing the Heys or Hedges.

Heymeatus, A Net for catching Conies, a Hay or Hey-Net — Omnia Placita de leporibus, re- ctibus, Heymeatis, Tessonibus, vulpibus, murilegis &

perlicibus, & omnia amerciamenta de Escapiis anima- lium — temp. Edw. III. — M. Blount. — who confesses his Ignorance of the Meaning of Heymeatus.

Hydage, or Hyrdage, (Hydagium,) was an ex- traordinary Tax payable anciently to the King for every Hide of Land. Braeton, lib. 2. cap. 6. writes thus of it: Sunt etiam quadam communes praestantiones, quae servitia non dicuntur, nec de consuetu- dine veniunt, nisi cum necessitas intervenierit, vel cum Rex venerit; si ut sunt Hidagia, Corogia, & Car- vagia, & alia plura de necessitate, & ex consensu communi totius regni introducta, & qua ad Dominum feudi non pertinent, &c. King Aetheldred, in the Year of Christ 994. when the Danes landed at Sandwich, taxed all his Land by Hides: Every 310 Hides of Land found one Ship furnished, and e- very 8 Hides found one Jack, and one Saddle, for Defence of the Realm. Willielmus Conquestor de unaquaque Hida per Angliam sex solidos accepit. Floren. Wigorn. in anno 1084. Sometimes Hi- dage was taken for the being quit of that Tax; which was also called Hyde-gyld.

Hide and Gain did anciently signify arable Land. Coke on Littl. fol. 85. b. For of old, to Gain the Land was as much as to till it. See Gainage.

Hidelands, (Sax. Hydelerander.) Terra ad Hydum seu testum pertinentes.

Hide of Land, (Sax. Hyde-Lands, from Hyden, Tegere.) Tanta fundi portio quanta unico per annum coli poterat aratro; vel qua familia uni sustentande sufficeret. A Plough-Land. In an old Manuscript it is said to be 120 Acres. Bede calls it Familiam, and says it is as much as will maintain a Family. Others call it Mansum, Manentem, Casatam, Caru- catam, Sullingam, &c. Crompton, in his Jurisdic- t. f. 222. says a Hide of Land contains one hundred Acres, and eight Hides make a Knight's Fee. Hida autem Anglice vocatur terra unius aratri cultura sufficiens per annum. Henry Hunting. Hist. lib. 6. f. 206. b. But Sir Edw. Coke holds, That a Knight's Fee, a Hide or Plough-Land, a Yard- Land, or Oxcgang of Land, do not contain any certain Number of Acres. On Littl. f. 69. The Distribution of England by Hides of Land is very ancient; for there is Mention of them in the Laws of King Ina, c. 14. Henricus I. maritanda filia sua gratia Imperatori, cepit ab unaquaque Hida Anglia tres fol. Spelman. And see Cam. Brit. fol. 158.

Hidel (Anno 1 H. 7. c. 6.) signifies a Place of Protection, or a Sanctuary.

Hidgild (in LL. Canuti R.) exponitur pretium redemptionis aut manumissionis servi. From the Sax. Hile, i. e. the Skin, and Gild, pretium, i. e. the Price by which he redeemeth his Skin, that is, redeemed it from being whipped. Si liber festis diebus operetur, perdat libertatem; si servus, corium perdat vel Hidgildum, i. e. Let him be whipped; which was the Punishment for Servants. Vel Hidgildum, i. e. Let him pay for his Skin; by which Payment he is to be excused from Whip- ping. See Hudegild.

Hierloom. See Heirloom.

Hii testibus, These Words were anciently ad- ded in Deeds after the In ejus rei testimonium, and written with the same Hand as the Deed, which Witnesses were called, the Deed read, and then their Names entred: And this Clause of hii testi- bus in Subjects Deeds continued till the Reign of Hen. 8. but now is quite left off. Co. on Litt. fol. 6.

¶

**Hindeni homines**, a Society of Men; from the Sax. *Hindene, Societas*: For in the Time of our Saxon Ancestors all Men were ranked into three Classes, the *Lowest*, the *Middle*, and *Highest*, and were valued according to the Class they were in; that is, if any Injury was done, Satisfaction was to be made according to the Value or Worth of the Man to whom it was done. The *Lowest* were those who were worth ten Pounds, or two hundred Shillings, and they were called *Viri ducenteni*, or *Twybindemen*, and their Wives *Twybinda's*; the *Middle* were valued at six hundred Shillings, and were called *Sixbindemen*, and their Wives *Sixbinda's*; the *Highest* were valued at twelve hundred Shillings, and were called *Twelfbindemen*, and their Wives *Twelfbinda's*. *Bromp. Leg. Alfreði cap. 12, 30, 31, 32.* See *Twibindi* and *Twelvebindi*.

**Hine**, (Sax.) a Servant, or one of the Family: But it is now taken in a more restrictive Sense, for a Servant at Husbandry; and the *Master-hine*, he that oversees the Rest. *Anno 12 R. 2. cap. 4.*

**Hinefare**, or **Heinfare**, (from the Sax. *Hine*, a Servant, and *Fare*, a Going or Passage,) the Loss or Departure of a Servant from his Master. *Si quis occidit hominem Regis & facit Heinfaram, det Regi xx s. &c. Domesday, Tit. Arcensfeld.* So in *Domesday, Qui pacem Regis, &c. centum sol. emendabat & tantundem dabat qui Forestell vel Heinfare faciebat.* *Hist. Angl. Scriptores, a Dr. Gale, fol. 772.*

**Hine-geld** Significat quietantiam transgressionis illata in servum transgredientem. *MS. penes Arth. Trevor, Arm.*

**Hirciscunda**, The Division of an Inheritance among the Heirs. *Goldm. dict. Actio Hirciscundæ.* See *Actio mixta*.

**Hird**, *Domestica vel intrinseca familia.* *Inter pla. Trin. 12 E. 2. Ebor. 48. MS.*

**Hirman**, a Subject. From the Sax. *Hiran*, Obey. But I rather think it signifies one who serves in the King's Hall, to guard him. From the Sax. *Hird*, *Aula*, and *Man*, *homo*. *Du Cange.*

**Hirneffa**. See *Overhurniffa*.

**Hirst**, or **Hurst**, a little Wood. *Domesday.*

**Hitthe**. See *Hythe*.

**Hlafordfocna**, the Lord's Protection. From the Sax. *Hlaford*, *Dominus*, and *Socn*, *libertas*. *Nec Dominus homini libero Hlafordfocnam prohibeat. Leg. Adelftan, cap. 5.*

**Hlafotner**, the Benefit of the Law. From the Sax. *Laga*, *Lex*, and *Socn*, *libertas*.

**Hloth**, an unlawful Company, from seven to thirty-five. *Qui de Hloth fuerit accusatus, abneget per centum viginti hidas, vel sic emendet*; that is, He who is accused for being at an unlawful Rout, let him purge himself *tot Sacramentatibus quot is qui 120 hidas aestimatur*; or, Let him clear himself by a Mulct, which is called *Hlothbota*.

**Hlothbota**, a Mulct set on him who is in a Riot. From the Sax. *Hloth*, *Turma*, and *Bote*, *Compensatio*.

**Hloast-Men**, An ancient Gild or Fraternity at Newcastle upon Tyne, who dealt in Sea-coal, mentioned *Stat. 21 Jac. 1. c. 3.*

**Hoblers**, or **Hobilers**, (*Hobelarii*) *Erant milites gregarii, levi armatura & mediocri equo, ad omnem motum agili, sub Edoardo 3. in Gallia merentes. Dicti (ut reor) vel ab istiusmodi equo, an Hobby appellato, vel potius a Gal. Hobille, Tunica. Tabula*

*classes describentes in exercitu ejusdem Edwardi Caletem obsidentes, Anno 1350. sic habent. Sub Comite Kildavia, Bannerets 1, Knights 1, Esquires 38, Hobilers 27, &c. These were Light Horsemen, or certain Tenants, who, by their Tenure, were bound to maintain a little light Nag for certifying any Invasion, or such like Peril, towards the Sea-side, as Portsmouth, &c. Of which you may read 18 E. 3. Stat. 1. c. 7. and 25 ejusdem, Stat. 5. cap. 8. and Cam. Britan. fol. 272. Duravit vocabulum usque ad etatem H. 8. says Spelman. Gentz d'armes & Hobelours. See Prin's Animad. on 4 Inst. fol. 307. Hobeleries, Rot. Parl. 21 E. 3. Sometimes the Word signifies those who used Bows and Arrows, viz. Pro warda maris tempore guerra, pro Hoberariis sagittariis inveniendis, &c. Thorn. Anno 1364. So in the Monastic. Pro munitione & apparatibus hominum ad arma Hobeliorum sagittariorum.*

**Hoccus salis**, It seems to be a Hoke, hole, or lesser Pit of Salt. — In which habuit Rex Edwardus domus xi. & in v. plateis habebat Rex E. suam partem. In teperwick puteo Liv. saline & ii. hocci reddunt vi. fol. & viii. denar. In alio puteo Hesperis xvii. saline. In tertio puteo Midelmic xii. saline & ii. partes de i. hocco reddebant vi. solidos & viii. denarios. — Ex Libro Domesday, Worcesterfhire.

**Hocketto**, or **Hocquetteur**, is an old French Word for a Knight of the Post, a decayed Man, a Basket-carrier. 3 Part. Inst. fol. 175. *Que nul enquerelant neu respoignant ne soit surpris neu cheson per Hocketours, parent que la verite ne soit ensue. Stat. Ragman.*

**Hock-Tuesday-Money**, Was a Duty given to the Landlord, that his Tenants and Bond-Men might solemnize that Day on which the English mastered the Danes, being the second Tuesday after Easter-Week. See Mr. Philip's Mistaken Recompence, fol. 39.

**Hoga**, **Hoggia**, **Hogium**, **Hoch**, a Mountain or Hill. From the Germ. *Hoogh*, *altus*; or from the Sax. *Hou*, *Mons*, the g being changed into u. *Edwinus invenit quandam collem & Hogam petrosam, & ibi edificavit quandam villam quam vocavit Stanhogiam, postea Stanhow, i. e. Montem lapideum.* *Du Cange.*

**Hogaster**, a little Hog. In legibus Forestar. Scotic. cap. 7. *Iste est modus pannagii, viz. De qualibet cindra, i. e. de decem porcis, Rex habebit meliorem porcum, & Forestarius unum Hogastrum.* It signifies also Sheep. *Tertium ovile pro Hogastris annatis & juvenibus. Fleta, lib. 2. cap. 79.*

**Hogenhine**, **redius**, **Agenhine**, i. e. *Servus proprius, i. e. Third Night own Servant*, Is he that comes Guestwise to an Inn or House, and lies there the third Night, after which he is accounted of his Family in whose House he lieth; and if he offend the King's Peace, his Host must be answerable for him. *Bracton, lib. 3. tract. 2. c. 10.* In the Laws of *Inglusbus*, set forth by *Lambard*, he is called *Agenhine*, where you may read more of this Matter. *Vide Third-night-awne hine.*

**Hoggacius**, **Hoggaster**, A Sheep of the second Year. — *Agni primo computo postquam nati sunt Agni vocantur secundo anno Hoggastri. Et conjunguntur multones cum multonibus, & hirtardi cum hirtardis, & femella cum ovibus. Regulo Computi domus de Farendon. MS. — Centum oves pascantur, scilicet, multones cum multonibus, matricibus cum matricibus, hogacii cum hogaciis.* *Cartular. Abbat. Glaston. MS. fo. 48. a.* And indeed in many, cipe-



especially the Northern Parts of *England*, Sheep after they lose the Name of Lambs, are called *Hogs*, as in *Kent*, *Tags*.

*Hogsthead* Is a Measure of Wine, Oil, &c. containing Half a Pipe, the fourth Part of a Tun, or sixty-three Gallons. *Anno 1 R. 3. c. 13.* See *Barrel*.

*Hogagus*, *Hogietus*, A Hog or Swine, beyond the Growth of a Pig. — *Porcelli primo compoto postquam nati sunt vocantur, secundo compoto Hoggi vocantur.* *Regula Compoti domus de Farendon. MS.* — *solvent eodem die pro porco superannuato unum denarium, & pro hogietto dimidii anni unum obolum.* *Cartular. Radinges. MS. fol. 221. a.*

*Hokeday*, Otherwise called *Hock-Tuesday*, *Dies Martis, quam Quindenam Pascha vocant*, the second Tuesday after *Easter Week*. A Day so remarkable in ancient Times, that I have seen a Lease without Date, reserving so much Rent payable *ad duos anni terminos, scil. ad le Hokeday, & ad Festum Sancti Mich.* Et *ad Festum St. Mich. cum tenere voluerit Seneschallus Curie de la Hele, habebit de Celerario quinque albos panes & Costrellos suos plenos Cervisia, & ad idem Festum pro Curia de Kinnerdone de privilegiis tenendis, habebit totidem, & ad le Hokeday totidem.* *Mon. Angl. 2 Par. f. 550. b.* And in the Accounts of *Magdalen-College* in *Oxford* there is yearly an Allowance *pro Mulieribus Hockantibus*, in some Manors of theirs in *Hampshire*, where the Men *hock* the Women on Monday, and *econtra* on Tuesday. See *Hock-Tuesday-Money*. The Meaning of it is, that on that Day the Women in Merriment stop the Ways with Ropes, and pull Passengers to them, desiring something to be laid out in pious Uses.

*Holderness.* See *Parisi pop.*

*Holdes*, Bailiffs of a Town or City. From the Sax. *Hold*, i. e. *summus prapostitus*. Others are of Opinion that it signifies a General; for *Hold* in Saxon doth also signify *summus imperator*. *Comitis Weregildum*, i. e. *Æstimatio capitis, est 15 millia Thrymsa*, *Holdis & summi praposti quatuor millia Thrymsa.* *Leges Alured. de Weregildis.*

*Holm*, (Sax.) *Hulmus, insula amnica*, a River-Island, according to *Bede*; or plain grassy Ground upon Water-sides, or in the Water, according to *Cambden*. *Cum duobus Holmis in campis de Wedone.* *Mon. Angl. 2 Par. fol. 262. b.* Therefore where any Place is called by that Name, or where this Syllable is joined with any other in the Names of Places, it signifies a Place surrounded with Water; as the *Flatbolmes*, the *Stepholmes*, near *Bristol*: But if the Situation of the Place is not near the Water, then it may signify a hilly Place; for *Holm* in Saxon, is in *English* an Hill or Cliff.

*Holstings.* See *Hustings*.

*Holt*, A Wood or Grove, a Saxon Word: To which *Holborn* in *London* owes its Name — *Johannes Hotham Episcopus Eliensis an. 1320. perquisivit ad augmentationem Prioratus — Barkeres cum quodam Alneto vocato Lyth-gates Holt.* *Histor. Elien. apud Whartoni Angl. Sacr. Part 1. pag. 643.*

*Homage*, *Homagium*, Probably derived from *homo*, because when the Tenant does this Service to his Lord, he says, *I become your Man*; It is also called *Marbood*. *Co. on Litt. fol. 64.* The French Word imports as much as *Fides clientelaris*; for in the original Grants of Lands and Tenements by way of Fee, the Lord did not only tie his Te-

nants to certain Services, but also took a Submission, with Promise and Oath, to be true and loyal to him as their Lord and Benefactor: This Submission was and is called *Homage*, the Form whereof you have in the Second Statute 17 E. 2. in these Words, "When a Freeman shall do *Homage* to his Lord, of whom he holdeth in chief, he shall hold his Hands together between the Hands of his Lord, and shall say thus", *I become your Man, from this Day forth for Life, for Member, and for worldly Honour, and shall owe you my Faith, for the Land I hold of you, saving the Faith that I owe unto our Sovereign Lord the King, and to mine other Lords.* And in this Manner the Lord of the Fee, for which *Homage* is due, taketh *Homage* of every Tenant as he cometh to the Land or Fee, *Glanvil, lib. 9. cap. 1.* except they be Women, who perform not *Homage*, but by their Husbands: Yet *Fitzherbert* in his *Nat. Brev. fo. 157.* saith the Contrary. The Reason of this, *Skene* giveth de verb. signif. verbo *Homagium*, because *Homage* specially concerneth Service in War. He saith also, That consecrated Bishops do no *Homage*, but only Fealty; and yet we find the Archbishop of *Canterbury* do *Homage* on his Knees to our Kings at their Coronation, and it hath been held, that the Bishop of *Sodor*, in the *Isle of Man*, is *Homager* to the Earl of *Derby*. And in the *Reg. Orig. fol. 296.* that a Woman taking Livery of Lands holden by Knights-Service, must do *Homage*, &c. Concerning the *Homage* of consecrated Bishops, read *Fulbecke, fol. 20.* in these Words. By our Law a religious Man may do *Homage*, but may not say to his Lord, *Ego devenio homo vester*, because he hath professed himself to be only God's Man; but he may say, *I do unto you Homage, and to you shall be Faithful and Loyal.* See of this *Britton, cap. 68.* *Homage* is also taken in some Cases to signify the particular Place or District where the Services are to be performed, as thus, *viz. Henricus Rex, &c. si Abbas de Ramsey poterit monstrare quod nullus antecessorum operasset ad Hominium de Brampton.* *Bracton, lib. 2. cap. 35. par. 12.* *Fleta, lib. 3. cap. 16, 17.* *Homage* is either new with the Fee, or *Anceltrel*, that is, where a Man and his Ancestors, Time out of Mind, have held their Lands by *Homage* to their Lord, whereby the Lord is tied to warrant the Land unto his Tenant. This *Homage* is used in other Countries as well as Ours, and was wont to be called *Hominium*. See *Hotoman de verbis feudilibus, verbo Homo.* *Skene* divides it into *Ligeum & non ligeum, de verbo signif. verbo Homage*, for which see *Liege*; and *Hotoman, disputatione de feudis tertia.* *Homage* is sometimes used for the Jury in a Court-Baron. *Smith de Rep. Ang. lib. 2. cap. 27.* The Reason is because it consisteth most commonly of such as owe *Homage* unto the Lord of the Fee; and these, by the Feudists, are called *Pares Curie*. Of this *Homage* you may read in the 29th Chapter of the *Grand Custumary of Normandy*, and others not used by us. See further in *Hotoman Disputat. de feudis, p. 861.* Of *Homage* in Scotland read *Skene de verb. signif. Tit. Homagium*, to whom you may also add a large Discourse in *speculo Durandi*, commonly called *Speculator* among the Civilians, *Tit. De feudis.* The Steward of the Lord may take Fealty, but not *Homage*. See the *Stat. 12 Car. 2. cap. 24.*

*Homage Tunceltrel*, Is, where a Man and his Ancestors, Time out of Mind, held their Land of their Lord and his Ancestors by *Homage*, and if such Lord have received *Homage*, he is bound to

acquit the Tenant against all other Lords above him of every manner of Service, and if the Tenant hath done *Homage* to his Lord, and is impleaded, and vouches the Lord to Warranty, the Lord is bound to warrant him; and if the Tenant lose, he shall recover in Value against the Lord so much of the Lands as he had at that Time of the Voucher, or any Time after. To this Effect *Littleton*; upon which *Coke* says, In his Example here put, *There must be a double Prescription both in the Blood of the Lord and the Tenant; and therefore I think, there is little or no Land at all at this Day holden by Homage Ancestrel.* Yet (as one avers) in the Manor of *Whitney* in *Herefordshire*, whose Lord is of the same Name, and the Family has continued there many Ages, is one *West* a Tenant, who can prescribe to hold his Land of *Thomas Whitney Esq;* the present Lord, by *Homage Ancestrel.*

**Homager,** One that does, or is bound to do *Homage*: As the Bishop of *Sodor*, in the *Isle of Man*, is said to be *Homager* to the Earl of *Derby*. See *Homage*.

**Homagio respectuando** Is a Writ directed to the Escheator; commanding him to deliver Seisin of Lands to the Heir that is of full Age, notwithstanding his *Homage* not done, which ought to be performed before the Heir have Livery, or his Lands; except there fall out some reasonable Cause to hinder it. *F. N. B. fol. 269.*

**Homagium reddere,** To renounce *Homage*, when the Vassal made a solemn Declaration of Disfowning and Defying his Lord. For which, there was a set Form and Method prescribed by the feudatary Laws. — *Item reddere poterit Domino suo homagium suum, simul cum tenemente, propter capitales inimicitias, ut liberius prosequatur Appel- lum suum, & sic dissolvitur homagium.* *Bracton, lib. 2. cap. 35. sect. 35.* This is the Meaning of that Passage in *Richardus Hugustaldensis de Bello Standard*, p. 321. *Itaque Robertus reddito homagio quod ei fecerat — ad suos socios reversus est.* And of *Matthew Paris. sub anno 1188. tunc Rex Anglorum Regi Francorum fecit homagium, quia in principio hujus guerra homagium suum reddiderat Regi Francia.*

**Homesoken, rectius Hamsoken, & Hamsoca.** (from the Sax, *Ham*, i. e. *Domus, Habitatio*, and *Socne, Libertas, Immunitas*.) is by *Bracton, lib. 3. tract. 2. c. 23.* thus defined: *Homesoken dicitur invasio domus contra pacem Domini Regis, vel insultus factus in domo extra pacem Domini.* It appears by *Rastal*, that in ancient Times some Men had an Immunity to do this. *Si quis Hamsocam violaverit, jure Anglorum Regi emendet 5 libr. LL. Canuti, cap. 39. Hamsoken est quod Prior tenebit Placita in Curia sua de his qui ingrediuntur domum vel Curiam alicujus ad litigandum, vel furandum, vel quicquid asportandum, vel aliquod aliud faciendum, contra voluntatem illius qui debet domum vel Curiam.* *Ex Reg. Priora. de Cokesford. See Hamsoken.*

**Homesoken** is the Privilege or Freedom which every Man hath in his House; and he who invades that Freedom is properly said *facere Homesoken*. This I take to be what we now call *Burglary*, which is a Crime of a very heinous Nature, because 'tis not only a Breach of the King's Peace, but a Breach of that Liberty which a Man hath in his House, which, as we commonly say, should be his Castle, and therefore ought not to be invaded. *Bracton, lib. 3. tract. 2. cap. 23. Du Cange.*

It is also taken for an Impunity to those who commit this Crime, viz. *Homsoken, hoc est, quietus esse de amerciamenis pro ingressu hospitii violenter & sine licentia, & contra pacem Regis, & quod teneatis placita de hujusmodi transgressione in Curia vestra.* *W. Thorn. pag. 2030. See Hamsoken.*

**Homicide, Homicidium,** Is the Killing of a Man, and is divided into *Voluntary* and *Casual*: *Homicide voluntary* is that which is deliberate, and committed of a set Purpose to kill; *Casual* is done by *Chance*, without any Intention to kill. *Homicide Voluntary* is either with precedent Malice, or without. The former is Murder, and is a felonious Killing through Malice prepensed of any Person living in this Realm, under the King's Protection. *West. par. 2. Symbol. Tit. Indictments, sect. 37. &c. usque 51.* Where you may see diverse Subdivisions of this Matter. See also *Glanvil, lib. 14. c. 3. Bract. lib. 3. tract. 2. cap. 4. 15 & 17. Britton, c. 5, 6, 7. See Murder, Manslaughter and Chancemeddy.*

**Hominatio.** *Domesday, Tit. Northampton Schmanni de Riden, — Idcirco Episcopus clamat Hominationem eorum.* It signifies the Mustering of Men, according to *Mr. Tate* in *MS.* Also the doing of *Homage*.

**Homine eligendo ad custodiendam peciam sigilli pro mercatoribus editi** is a Writ directed to a Corporation, for the Choice of a new Man to keep one Part of the Seal, appointed for Statutes-Merchant, when the other is dead, according to the Statute of *Atton-Burnel. Reg. of Writs, fol. 178. a.*

**Homine replegiando** Is a Writ to bail a Man out of Prison: In what Cases it lies, see *F. N. B. fol. 6. Reg. Orig. fol. 77.* and the *New Book of Entries, verbo Homine replegiando.*

**Homine capto in Withernamium** Is a Writ to take him, that hath taken any Bondman or Woman, and led him out of the Country, so that he or she cannot be replevied according to Law. *Reg. Orig. fol. 79. See also Withernam.*

**Homines,** A Sort of feudatary Tenants. They claimed a Privilege of having their Causes and Persons tried only in the Court of their Lord. When *Gerard de Camvil* in 5 R. 1. was charged with Treason and other high Misdemeanors, he pleaded, That he was *Homo Comitis Johannis* and would stand to the Law or Justice of his Court. *Parochial Antiquit. p. 152.*

**Homiplagium** is used in the Laws of H. 1. cap. 80. for the Maiming a Man. *Si quis in domo vel Curia Regis fecerit Homicidium vel Homiplagium.*

**Homstale, A Home-stall, or Mansion-house.** As in a Charter granted about the 5 of Ed. 1. — *Dedi tres obolos redditus — quos Henricus Malemeins consuevit annuatim solvere de uno itinere dicto Abbati & Conventui quod interjacet juxta domum Alani Sacriste, & ducit versus Homstale.* — *Carrular. Radinges. MS. fol. 39. b.*

**Hondshabend** (from the Sax. *Hond, Hand*, and *habens, having*) signifies a Circumstance of manifest Theft, when one is apprehended with the Mainor or Mainover, i. e. the Thing stolen in his Hand. *Bracton, lib. 3. tract. 2. cap. 8. 32, & 35.* who also uses *Handberend* in the same Sense. *Sc. Latro manifestus, see Handhabend.* So in *Fleta, lib. 1. c. 38. Furtum manifestum est ubi aliquis latro apprehensus seistus de aliquo latrocinio Hand-habind, & Back-berinde, & insecutus fuerit per aliquem cujus*

cujus res illa fuerit, quæ dicitur Sachorþ, & tunc licet infecutori rem suam petere criminaliter ut furatam.

It also signifies the Right which the Lord hath of determining of this Offence in his Court.

**Hond-pen.** *Sint quieti de chevagio, Hond-pen, &c. Priveleg. de Semplingham.* But there is no Declaration made, what is intended by it. *Ideo Quare.*

**Honour** is, besides the general Signification, used especially for the more noble Sort of Seignories, whereof other inferior Lordships or Manors depend, by Performance of some Customs or Services to those who are Lords of them; (though anciently Honour and Baronia signified the same Thing). *Uti Manerium plurimis gaudet (interdum feodis, sed plerumque) tenementis, consuetudinibus, serviciis, &c. Ita Honor plurima complectitur Maneria, plurima feoda militaria, plurima Regalia, &c. dictus etiam olim est Beneficium seu Feodum Regale, tentusque semper a Rege in Capite.* Spelm. The Manner of creating these Honours, by Act of Parliament, may in Part be gathered out of the Statute of 33 H. 8. c. 37, 38. where *Amptbil, Graf-ton, and Hampton-Court,* are made Honours. And by 37 H. 8. c. 18. the King is impowered by Letters Patent to erect four several Honours, viz. *Westminster, Kingston upon Hull, St. Oysthe, and Donnington,* and as many other Honours as he will. In reading several approved Authors and Records, I have observed these following to have been likewise Honours, viz. The Honours of *Wigmore, Lancaster, Aquila, (formerly Pevinsey,) Clare Tickhill, Wallingford, Nottingham, Boloine, West and East Greenwich, Bedford, Berkhamstead, Plimpton, Crevecur, Haganet, Windsor, Beaulieu, Peverel, Skipton, Wirmgay, Clun, Raleigh, Montgomery, Hutton in Herefordshire, Eye, Baynard's Castle, Gloucester, Arundel, Tremanton, Richard's Castle, Christ Church, Heveynggham, Cockermoth, Bullingbroke, Stafford, Barstable, Wharvelton in Yorkshire, Strigul, Torneys, Werk, (Rot. Pipæ 31 H. 2.) Cornayls, Caudicot, Theony, Oakhampton, (had 92 Knights Fees belonging to it,) Grentmesuil, Egremont, Oxford, Lincoln, Abergavenny, Dudley, Tamworth, Mowbray, Webley, Bononia, Middleham, Hawerden-Castle, Dover-Castle, (Trin. 33 Edw. 1. Linc. 46.) Carisbroke, (Elt 9 Ed. 1.) Clifford-Castle, Kingston, Folkingham, Leicester, Hinkley, Whitchurch, Hertford, Newelme, Chester, Lovetot, Pickering, Maidston, Tutbury, Warwick, Brecknock, Brember, Halton, Gower; for John de Mowbray in Ed. 3. wrote himself Dominus Insule de Haxholm & de Honoribus de Gower & Brember. And in a Charter of 15 H. 3. I find Mention of the Honours of Kaermardin, Cardigan, and Glamorgan.*

*Sciatis communiter, me — accepisse in manu mea & defensione totum Honorem Ecclesie de Ramescie, &c. Charta Guilielmi I. Abbati Ramsc. Sect. 174. See Cam. Britan. fol. 315, 407, 594, & 690. &c. Inquis. 10 Ed. 2. Coke's 4 Inst. f. 224. Mag. Charta, c. 31. Reg. Orig. fol. 1. Cromp. Juris. fol. 115. Broke, Tit. Tenure, num. 26, &c.* This Word is used in the same Signification in other Nations.

**Honour-Courts** Are Courts held within the Honours aforesaid, mentioned 33 H. 8. 37, and 37 H. 8. 18.

**Honorary Services** Are such as are incident to Grand Serjeanty, and annexed commonly to some Honour. See 12 Car. 2. cap. 29.

**Hontfongenethes.** *Cum omnibus aliis libertatibus, tantummodo Hontfongenethes mihi retento.* Charta

Wil. Comitibus Marcialsei. In Mon. Angl. 1 Par. f. 724. This should have been written *Hontfongenethes*, and signifies a Thief taken with *Hontfahend*, i. e. *Having the Thing stolen in his Hand.*

**Hoyen** Signifies a Valley in *Domesday-Book*; so too do *Hope, Hawgh* and *Howgh.*

**Hoya Aurora,** The Day-Bell, or Morning Bell, or what we now call the *Four a Clock Bell*, was called *Hora Aurora*, as our *Eight a Clock Bell*, or the Bell in the Evening, was their *Ignitegium* or Coverfeu. See *Savage Balliofergus*, p. 39.

**Hordera**, a Treasurer. From the Sax. *Hord*, *Tesaurus.* Et quicunque *Hordera Regii vel prepositus furi consentaneus erit.* Leg. Adelftan. cap. 2. apud Brompton. From whence we derive the Word *Hord.*

**Hordrefgeld** — Nos H. Abbas de Nivenham & ejusdem loci Conventus remittimus — *Abbati Glasston & Conventui* — x. sol. de turno vicecom. & vi. sol. viii. den. de quodam redditu qui vocatur *Hordrefgeld*, unde placitavimus predictum *Abbatem Glasston per Breve Domini Regis.* Cartular. Abbat. Glasston. MS. f. 36.

**Horderium**, A Hoard, a Treasure, a Spense, or Repository. As in the Laws of King Canute, c. 104. — *Sed suum horderium, quod dicere possumus Dispensam, & cistam suam, & trage, id est firmitum suum, debet ipsa custodire.*

**Horderium palmale.** *Hec Indentura testatur, quod Rob. Beaufitz dedit — unam virgata[m] terra[m] in Gillingham, — redd. inde quolibet anno ad Festum S. Mich. quatuor Bussellos orde[i] palmalis firme juxta melius precium per duos denarios in Quarterio, &c.* Dat. 43 Ed. 4. penes Alington Paynter Arm. Doubtless this is meant of Beer-Barley, which in Norfolk is called *Sprat-Barley*, and *Battledore Barley*, and in the Marches of Wales, Cymridge, it being broader in the Ear, and more like a Hand than the Common Barley, which in old Deeds is called *Hordeum Quadragesimale.*

**Honebrame Polingers** Are Trees so called, that have been usually lopped, and are about twenty Years Growth, and therefore not tithable. *Flowden*, f. 407. *Soby's Case.*

**Hornrgeld** Is a Compound from the Saxon Word *Horn*, *cornu*, and *geld*, *solutio*, signifying a Tax within a Forest, to be paid for borney Beasts. *Cromp. Juris. 197.* And to be free thereof is a Privilege granted by the King unto such as he thinketh good. *Idem ibid. & Rastall* in his *Exposition of Words*, *Quietum esse de omni collectione in Foresta de bestiiis cornutis assensu.* 4 Inst. fol. 369. Et sint quieti de omnibus Geldis, & Danegeldis, & Volgeldis, & Senegeldis, & Hornrgeldis, &c. Diploma H. 3. Canonici & Monialibus de Semplingham. See Subsidy.

**Hornegium.** Perhaps the same with *Hornrgeld*, which see.

**Horn with Horn**, or **Horn under Horn.** The promiscuous Feeding of Bulls and Cows, or all borney Beasts, that are allowed to run together upon the same Common. As in the Constitution of Robert Bishop of Durham, 1276. *Similiter de decimis quæ de vaccis proveniunt Statuendum duximus, quod ubique fuerit receptaculum earum, licet in vicinis parochiis Horn with Horn, secundum Anglicam linguam, pasca querant, illi remaneat tota decima, ubi fuerit domicilium & remanentia.* Spelman; to which I need only add, that the Commoning of Cattel *Horn with Horn*, was properly when the Inhabitants of several Parishes let their common Herds run upon the same open spacious Common, (as

now suppose on *Omore*) that lay within the Bounds of several Parishes, and therefore that there might be no Dispute upon the Right of Tithes, the Bishop ordains, that the Cows should pay all Profit to the Minister of the Parish where the Owner lived, &c.

*Hors de son Fee* (Fr. i. e. out of his Fee.) is an Exception to avoid an Action brought for Rent issuing out of certain Land, by him that pretends to be the Lord, or for some Customs and Services: For if the Defendant can prove the Land to be without the Compass of his Fee, the Action falls. See *Distress* and *Broke*, *hoc titulo*.

*Hortolagium*. See *Ortolagium*.

*Hospiuers*, (Fr. *Hospitaliers*.) *Anno 31 E. 3. cap. 2. Stat. 3.* is used for *Inn-Keepers*. In some old Books the Word *Hofers* occurs in the same Sense; and *Free Hofers* were such as entertained Strangers gratis.

*Hofres generalis*, a Great Chamberlain. *Item quod nullus seipsum hospitare presumat, &c. Sed volumus, quantum ad hospitium pertinet, omnes indifferenter nostro Hospiti generali obediant, sicut nobis, sub pœna, &c. Du Cange.*

*Hospitallers*, *Hospitalarii*, were the Knights of a religious Order, so called, because they built an *Hospital* at *Jerusalem*, wherein Pilgrims were received. To these Pope *Clement* the Fifth transferred the *Templers*, which Order, by a Council held at *Vienne* in *France*, he suppressed for their many and great Offences. The Institution of their Order was first allowed by Pope *Gelasus* the Second, *Anno 1118.* and confirmed here by Parliament, and had many Privileges granted them, as Immunities from Payment of Tithes, &c. You shall find their Privileges reserved to them by *Magna Charta*, *cap. 37.* and you shall see the Right of the King's Subjects vindicated from the Usurpation of their Jurisdiction, by the Statute of *Westm. 2. cap. 43.* Their chief Abode is now in *Malta*, an Island given them by the Emperor *Charles* the Fifth, after they were driven from *Rhodes* by *Solyman* the Magnificent, Emperor of the *Turks*; and for that they are now called *Knights of Malta*. They are mentioned 13 *E. 1. cap. 43.* and 9 *H. 3. cap. 37.* *Tho. Walsingham* in *Hist. Ed. 2* and *Stow's Annals*, *ibid.* All the Lands and Goods of these Knights here in *England* were given to the King, by 32 *H. 8. cap. 34.* See *Mon. Ang. 2. par. f. 489.*

*Hospitium* Is the same with *Procuracion*. *Et nomine sue legationis cum excessivo numero Hospitia a cunctis per Angliam exegit monasteriis; minores vero domus, quæ pondus Hospitii ferre non poterint, certa summa, id est, octo vel quinque marcarum, Hospitia redemerunt.* *Neubrigensis*, lib. 4. c. 14. *Brompton*, fol. 1193.

*Hostagium*. *Has terras ego & heredes mei acquietabimus erga Regem de Scutagio & Hostagio & omni auxilio præter auxilia Vicecom. & Præpositi Hundredi, &c.* *Mon. Angl. 1. Par. fol. 348. b.*

*Hostagium* Is the same with *Hospitium*. See *Procuracion*.

*Hoftelagium*, A Right to receive Lodging and Entertainment reserved by many Lords in

the Houses of their Tenants. — *Monachi Radinge habebunt hoftelagium suum in prædicto messuagio cum Merlebergam venerint.* *Cartular. Radinges. MS. f. 157.*

*Hofterium*, a *Hoc*, (Fr. *Hone*.) an Instrument used mostly by Gardiners, and well known. *Et sint quieti de Aratro & Hofterio, & segibus secundis, seu colligendo, & homagio faciendo, de averiis, & de pannagio & salicher, & omnibus aliis consuetudinibus.* *Charta Hamonis Massy.*

*Hofsteler*, *Hofstellarius*, Cometh of the French *Hofsteler*, i. *Hofper*, and signifieth with us those that otherwise are called *Inn-Keepers*. 9 *E. 3. Stat. 2. cap. 11.* We now usually term those, that in the Stable look to the Guests Horses in an *Inn*, *Hofstlers*.

*Hofsthas*, A Service to the King in *Cleffhaw*, says *Domesday*; but I think rather it should be written *Hafsta*, because it is supposed a Military Service.

*Hofstæ*, *Hofst-Bread*, consecrated Wafers in the Holy Eucharist or *Host*. *Isabel Countess of Albemarle* confirmed to the Convent of *Burcester* five Quarters of Bread-Corn, — *ad hostias faciendas in domo prædicta.* *Parochial Antiquit. pag. 270.* From this Latin *Hostia* Mr. *Sommer* deduces the Saxon *Husel*, the Lord's Supper, and *Hussian* to administer that Sacrament; kept long in our old *English*, the *Houfel*, and to *Houfal*. See *Kennet's Glossary*.

*Hofstilarius*, an *Hospitalier*.

*Hofstilaria*, *Hofstilaria*, A Place or Room in religious Houses, allotted to the Use of receiving Guests and Strangers, for the Care of which there was a peculiar Officer appointed, called *Hofstilarius*, and *Hospitalarius*. — *Nos Willielmus Prior Elyen. & ejusd. loci Conventus ad rogatum — Henrici sexti Regis concessimus Johanni Norys Armigero officium Botillarii in Hofstilaria nostra Eliensæ — Ex Cartular. Eccl. Elyen. MS. f. 34.*

*Hoftricus*, *Austercus*, from Lat. *Astur*, a Goshawk. The Manner of *Broughton com. Oxon.* in the Reign of *Edw. II.* was held by *John Mauduit* — *in capite per serjeantiam mutandi unam hoftricum Domini Regis, vel illum hoftricum portandi ad curiam Domini Regis.* *Paroch. Antiquities, pag. 569.*

*Hofchpot*, *In partem positio*, (Fr. *Hochepot*, a confused Mingle-mangle of divers Things jumbled and put together.) Among the *Dutch* it signifies *Flesh* cut into Pieces, and sodden with Herbs or Roots, not unlike that which the *Romans* called *Farraginem*. — *Festus*. But *Littleton* saith, That literally it signifies a Pudding mixt of divers Ingredients, but by a Metaphor, signifieth a Commixture, or putting together of Lands of several Tenures, for the equal Division of them, fol. 35. For Example. A Man seised of thirty Acres of Land in Fee, hath Issue two Daughters, and gives with one of his Daughters, to a Man that marries her, ten Acres of the same Land in *Frank-marriage*, and dies seised of the other twenty Acres. Now if she that is thus married will have any Part of the twenty Acres whereof her Father died seised, she must put her Lands, given in *Frank-mar-*



*marriage*, in *Hotelpot*, that is, she must refuse to take the sole Profits of the Lands given in *Frank-marriage*, and suffer the Land to be commixt, and mingled together with the other Land whereof her Father died seized; so that an equal Division may be made of the Whole between her and her Sister, and thus for her ten Acres she shall have fifteen, else her Sister will have the whole Twenty of which her Father died seized. See *Coke on Lit. lib. 3. cap. 12. and Britton, f. 119.* There is also in the Civil Law *Collatio bonorum* answerable to this, whereby if a Child advanced by the Father, do after his Father's Decease challenge a Child's Part with the Rest, he must cast in all that formerly he had received, and then take out an equal Share with the others.

*House, Domus.* In a House four Things are necessary, 1. *Habitatio hominis.* 2. *Delectatio inhabitantis.* 3. *Necessitas luminis.* 4. *Sulubritas aeris.* For any Hurt or Hindrance to the First, Third, and Fourth of these an Action lieth: For *Prohibetur ne quis faciat in suo, quod nocere possit alieno.* The House of every Man is to him as his Castle and Fortrefs, as well for his Defence against Injury and Violence, as for his Repose; according to the Maxim, *Domus sua cuique est tutissimum refugium.* See *Co. 5. Rep. Semaine's Case.* The Privilege that the Law gives to Houses for the Habitation of Men is great; for First, it ought to have the Precedency in a *Precipe quod reddat* before Lands, Meadows, Pastures and Woods. Secondly, the House of a Man hath Privilege to protect him against an Arrest, by Force of a Process of the Law, at the Suit of the Subject. *Co. Rep. 11. Bowle's Case.* Thirdly, Those that dig for *Salt-Peter*, shall not dig in the *Mansion-house* of any Subject without his Assent; for then He, nor his Wife, nor Children, cannot be in Safety, nor his Goods preserved from Thieves. 4. He that kills a Man which will rob and spoil him in the House, shall forfeit nothing.

*Household, and Haybold.* *Concessi etiam praedictis Burgenfibus meis Housebold & Haybold in omnibus bofeis.* *Charta Hamonis Massy sine dat.* It seems to signify *Houseboot* and *Hedgeboot*. The same Words also occur in *Mon. Ang. 2 Par. fol. 633.*

*Housebote*, A Compound of *House* and *Bote*, i. *compensatio*, signifies *Eftovers*, or an Allowance of necessary Timber out of the Lord's Wood, for the Repairing and Support of a House or Tenement. [And this belongs of common Right to any Lessee for Years, or for Life: But if he take more than is needful, he may be punished by an Action of Waste.] *Housebote* says *Co. on Lit. f. 41.* is Two-fold, viz. *Eftoverium edificandi & ardendi.*

*House-robbery* or *House-breaking*, Is the Robbing of a Man in some Part of his House, or his Booth or Tent, in any Fair or Market, and the Owner, or his Wife, Children or Servants being within the same; for this is Felony by 23 H. 8. cap. 1. and 3 E. 6. cap. 9. And since it is made Felony, though none be within the House, Booth, or Stall, by 39 Eliz. 15. See *Burglary*, and *West, part 2. Symbol. Tit. Indictment, sect. 67.*

*Hredige*, i. e. Readily, or Quickly. *Item diximus de illis latronibus, qui in Hredige nequeunt culpabiles inveniri, i. e.* Could not readily be convicted. *Leg. Adelftan. c. 16.* From the Sax. *Hredinge*, i. e. *Brevi*, in a short Time.

*Hudegeld* Significat quietantiam transgressionis illatae in servum transgredientem. *Fleta, lib. 1. c. 47.*

*Sett. 20.* It may be thought in that Place of *Fleta* to be misprinted for *Hinegeld*, which see, & *quare.* When a Villain or Servant had committed any Trespass, for which he deserved whipping or corporal Punishment, when he bought off his Penalty with Money, the Price of Exemption from such Chastisement was called *Hudegeld*, or *Hidegeld*, some fancy, Money given to save his Hide. See *Fleta ubi supra.*

*Hue and Cry, Hutesum & clamor*, Is derived of two French Words *Huer* and *Crier*, both signifying to shout or cry aloud. *Manswood* in his *Forest-Law, cap. 19. num. 11.* saith, That *Hue* in Latin, [*Est vox dolentis*, as signifying the Complaint of the Party,] and *Cry* is the Pursuit of the Felon upon the Highway upon that Complaint; for if the Party robbed, or any in the Company of one robbed or murdered, come to the Constable of the next Town, and will him to raise the *Hue* and *Cry* [that is, make the Complaint known, and follow the Pursuit,] after the Offender, describing the Party, and shewing as near as he can which way he went; the Constable ought forthwith to call upon the Parish for Aid in seeking the Felon, and if he be not found there, then to give the next Constable Notice, and the next, until the Offender be apprehended, or at least until he be thus pursued unto the Sea-side. Of this *Bracton, lib. 3. tract. 2. cap. 5. Smith de Rep. Anglor. lib. 2. cap. 20. and the Stat. 13 E. 1. of Winchester, cap. 3. & 28 E. 3. 11. & 27 Eliz. 13.* The Normans had such a Pursuit with a Cry after Offenders, which they called *Clamor de Haro*, whereof you may read the *Grand Customary, cap. 54.* and it may probably be derived from *Harrier, flagitare.* *Hue* is used alone. 4 E. 1. Stat. 2. In the ancient Records this is called *Hutesum & Clamor.* See *Coke's 2 Par. Inst. f. 172.*

*Mandatum est Gulielmo de Haverbul Thesaurario Regis, quod Civitatem London capiat in manum Regis, eo quod Cives ejusdem Civitatis non levaverunt Hutesum & Clamorem pro morte Magistri Guidonis de Aretio & aliorum interfectorum, secundum legem & consuetudinem Regni. Rot. Claus. 30 H. 3. m. 5. See Vociferatio.*

But the *Clamor de Haro* was not a Pursuit after Offenders, but a Challenge of any Thing to be his own after this Manner, viz. He who demanded the Thing did with a loud Voice, before many Witnesses, affirm it to be his proper Goods, and demanded Restitution. This the Scots call *Hutesum*, and *Skene de verb. signif. verb. Hutesum*, saith, it is deduced from the French *Oyer*, i. *Audire*, (or rather *Oyez*) being a Cry used before a Proclamation; the Manner of their *Hue and Cry* he thus describeth, If a Robbery be done, a Horn is blown, and an *Out-cry* made, after which, if the Party fly away, and not yield himself to the King's Bailiff, he may be lawfully slain, and hanged upon the next Gallows. Of this *Hue and Cry*, see *Crompt. Just. of Peace, fol. 160.* And in *Rot. Claus. 30 H. 3. m. 5.* we find a Command to the King's Treasurer, to take the City of London into the King's Hand, because the Citizens did not, *secundum Legem & consuetudinem Regni*, raise the *Hue and Cry* for the Death of *Guido de Aretio*, and others who were slain.

*Huers.* See *Conders.*

*Huiffers.* See *Uffers.*

*Huiffertium*, Ships to transport Horses. 'Tis mentioned in *Hoveden* by the Name of *Wifers.* And *Brompton, Anno 1190.* calls them *Uffers*, viz. *Rex Tancredus dedit Regi Anglia 4 magnas naves quas*

*quas vocant* Uffers. It doth not appear by *Vossius* or *Somner*, from whence this Word is derived. Some will have it from the Fr. *Huis*, i. e. a Door; because when the Horses are on Shipboard, the Doors or Hatches are shut upon them, to keep out Water.

**Hulka**, A Hulk, or small Vessel.

*Commisit cum eis & cepit tres caricas, & unam hulka, & quatuor Calingarias.* Tho. Walsingham, p. 394.

**Hullus**. A Hill. ————— *Habendum & tenendum dictam pasturam in hullis & holmi*, i. e. in Hills and Dales. *Mon. Angl.* tom. 2. p. 292.

**Hulm**. See *Holm*.

**Humagium**, a moist Place. In *Ecclesiis*, in *decimis*, in *humagiis*, in *terris*, in *pratis*. *Mon. Angl.* 1 Par. f. 628. a.

**Humber** in *Yorkshire*. See *Abus astuarium*.

**Hundred** (*Hundredum*, *Centuria*) is a Part of a Shire so called; either because of old each Hundred found 100 Fidejussors of the King's Peace, or 100 able Men for his Wars. But I rather think tis so called, because it was composed of an Hundred Families. 'Tis true, *Brompton* tells us that an Hundred contains *Centum Villas*; and *Giraldus Cambrensis* writes that the *Isle of Man* hath 343 Villas. But in these Places the Word *Villa* must be taken for a Country Family; for it cannot mean a Village, because there are not above 40 Villages in that Island. So where Mr. *Lambard* tells us that an Hundred is so called, a numero *Centum hominum*, it must be understood of an Hundred Men, who are Heads or Chiefs of so many Families. These were first ordained by King *Alfred*, the 29th King of the *West-Saxons*: *Aluredus Rex*, (says *Lambard*, verbo *Centuria*;) ubi cum *Guthruno* *Daw* *sedus* *inierat*, *prudentissimum* illud olim a *Fethrone* *Mois* datum *secutus consilium*, *Angliam* *primus* in *Satrapias*, *Centurias*, & *decurias*, *partitus* est. *Satrapium*, *Shyre*, a *Seyrian*, (quod *partiri* significat,) *nominavit* *Centuriam*, *Hundred*, & *Decuriam*, *Toothing* sive *Tienmantale*, i. e. *Decemvirale Collegium* appellavit; atque *issdem* *nominibus* vel *hodie* *vocantur*, &c. This Dividing Counties into Hundreds, for better Government, King *Alfred* brought from *Germany*: For there *Centia*, or *Centena*, is a Jurisdiction over an Hundred Towns. This is the Original of *Hundreds*, which still retain the Name, but their Jurisdiction is devolved to the County-Court, some few excepted, which have been by Privilege annexed to the Crown, or granted to some great Subject, and so remain still in the Nature of a Franchise. This has been ever since the Stat. 14 E. 3. Stat. 1. cap. 9. whereby these Hundred-Courts, formerly farmed out by the Sheriff to other Men, were all, or the most Part, reduced to the County-Court, and so remain at present. So that where you read now of any Hundred-Courts, you must know they are several Franchises, wherein the Sheriff has not to do by his ordinary Authority, except they of the Hundred refuse to do their Office. See *West*, Part. 1. *Symbol. lib. 2. sect. 228. Ad Hundredum post Pascha*, & *ad proximum Hundredum post Festum St. Mich.* *Mon. Angl.* 2 Par. f. 293. a. The Word *Hundredum* is sometimes used for an Immunity or Privilege, whereby a Man is quit of Hundred-Penny, or Customs due to the Hundreds. See *Turn* and *Ward*.

**Hundredors**, *Hundredarii*, Are Men empannelled, or fit to be empannelled on a Jury upon a

Controversy, dwelling in the Hundred where the Land in Question lies, *Crompt. Jur. fol. 217.* and 35 H. 8. 6. It signifies also him that hath the Jurisdiction of a Hundred, and holdeth the Hundred Court, 13 E. 1. cap. 38. 9 E. 2. Stat. 2. & 2 E. 3. cap. 4. and sometimes it is used for the Bailiff of an Hundred. *Horne's Mirror of Justices*, lib. 1. cap. del Office del Coroner.

**Hundred-Lagh** Signifies the Hundred Court, from which all the Officers of the King's Forest were exempted by the Charter of King *Canutus*, c. 9. See *Manwood*; vide etiam *Warfscot*.

**Hundred-peny**. Est autem pecunia quam subsidii causa vicecomites olim exigebat ex singulis Decuriis sui Comitatus, quas Tethingas Saxones appellabant. Sic ex Hundredis Hundred-peny. *Spelm.* Pence of the Hundred. *Cambd. Brit. fol. 223.* Hoc est, quietantia pro denariis dandis, vel aliis consuetudinibus faciendis Præpositis Hundredorum. MS. in *Bibl. Cotton* sub. Tit. *Vitellius*. C. 9. fol. 220. b. This is elsewhere called *Hundredse*, as in *Charta Johannis Regis Egidio Episcopo Heref.* and recorded in *Libro nigro Heref.*

'Tis mentioned in *Domesday*, viz. *Denarii de Hundret*, & *Denarii sancti Petri*. *Gale. Hist. Brit.* f. 764.

**Hundred-setena**. Et habeant Sacam & Socam on Stround & on Streme, on wode & on fælde, *Gritbri*, Hundred-setena, *Adas & Ordels*, &c. *Charta Edgari Regis Mon. Glaston.* Anno 12 Reg. *Mon. Angl.* 1 Par. fol. 16. b. *Sata*, or *Setena*, in Composition, signifies Dwellers or Inhabitants. *Debent habere constitutionem Hundredi, quod Angli dicunt Hundred-setena.* *Text. Ross.*

**Hunnum**, *Sevenshall* in *Northumberland*.

**Hurdereferst**, see *Heordfeste*, a *Domestick*, or one of the Family. From the Sax. *Hyrd*, *Famalia*, and *Fast*, *Firmus*. Bis in anno conveniant in hundredum suum quicunque liberi tam Hurdereferst quam folgarii ad dignoscend. si Decania plena sint. *Leg. H. 1. c. 8.*

**Hurrers**, The Cappers and Hat-Merchants, being called *Hurrers*, were formerly one Company of the *Haberdashers*. *Stow. Survey of Lond.* p. 312.

**Hurst**, *Hyrst*, *Hers*, Are derived from the Sax. *Hyrst*, i. e. a Wood, Plump, or Grove of Trees. There are many Places in *Kent*, *Sussex*, and *Hampshire*, which begin and end with this Syllable; and the Reason may be, because the great Wood called *Andreswald* extended through those Counties.

**Hurst-Castle** Is so called, because situated near the Woods. So *Hurslega* is a woody Place; and probably from thence is derived *Hursley*, now *Hurley*, a Village in *Berkshire*.

**Hurtardus**, *Hurtus*, A Ram, or Weather, a Male Sheep. *Agni primo compoto postquam nati sunt Agni vocantur, secundo anno Hoggastri, & conjunguntur Multones cum multonibus, & Hurtardi cum Hurtardis, & famella cum ovibus.* *Regulæ compoti domus de Farendon.* MS. ——— *De multonibus* 381. *de hurtis & muricis* 207. *De bo-gris* 121. & *de agnis* 100. *Mon. Angl. Tom. 2. pag. 666.*

**Hus and Hant.** *Quidam Henricus Pinckap captus per querimoniam Mercatorum Flandrie & imprisonatus, offert Domino Regi Hus & Hant in plegio ad standum recto, & ad respondendum pradiis mercatoribus & omnibus aliis, qui versus eum loqui voluerint. Et diversis veniunt qui mancipiunt quod dictus H. P. per Hus & Hant veniet ad summonitionem Regis vel Concilii sui in Curia Regis apud Shepweye, & quod stabit ibi recto, &c. Placita coram Concilio Domini Regis, Anno 27 H. 3. Rot. 9. Quare, an non sit commune plegium, sicut Jo. Do. & Ric. Ro. See 4 Inst. fol. 72.*

**Husbrece** Is what we now call *Burglary*. From the Sax. *Hus*, an House, and *Brice*, a Breaking.

**Huscarle**, (Sax.) a Domestick Servant, or one of the Family. Also the Domestical Gatherers of the Danes Tribute. The Word is often found in *Domesday*, where we find the Town of *Dorchester* paid to the Use of *Huscarles* one Mark of Silver. See *Karles*. It properly signifies a stout Man, or a Domestick, viz. *Rex Hardeknutus suos Huscarles misit per omnes Regni sui provincias ad exigendum tributum*. Du Cange.

**Huseans**, Of the French. *Houveau*, i. ocrea, a Kind of Boot, or somewhat made of coarse Cloth. and worn over the Stockings; a *Buskin*, or as the Vulgar call it a *Spatte-dash*. It is mentioned in the Stat. 4 E. 4. c. 7.

**Huseans** signifies *Hose*. From the Sax. *Hofa*, *Caliga*.

**Husebote**, *Housebote*. From Saxon *hus* a House, and *bote* Amends or Repair. The Liberty allowed a Tenant to cut as much Timber and Wood upon the Premises, as was necessary for the Support and Repair of the Farm-house, and adjoining Buildings. See Mr. *Kennet's Glossary*.

**Husfastne** Is he that holdeth House and Land, *Bracton*, lib. 3. tract. 2. ca. 10. hath these Words *Et in Franco plegio esse debet omnis qui terram tenet & domum qui dicuntur Husfastne, & etiam alii, qui illis deserviant & dicuntur Folgheres, &c.* Some have corruptly written it *Hurdeseft* & *Hurdefest*, but more truly *Heordsefte*; which see in *Gloss. in decem scriptor.*

**Husgabulum**. Item tota illa terra qua est inter dictam Aulam & venellam, qua dicitur Swainegalle & de terra S. Petri, & vocata Peterbordland, & sunt ibi modo tria Tofta, & quod reddit Husgabulum, aliter non geldabilis. Inq. capt. apud Ebor. Anno 1275. in Registro vocat' le Whitebook. It seems to signify House-Rent, or some Tax or Tribute laid upon Houses.

**Husotum**, a certain Tribute paid to the chief Lord for every House of his Tenants.

**Husseling People**, The Parishioners of *Leominster*, in a Petition to King *Edward VI.* set forth that in their Town there were to the Number of 2000 *Husseling People*, &c. that is 2000 Communicants, for *Hussel* in the Saxon Tongue signifies the Holy Sacrament.

**Hustings**, (*Hustingum*, from the Sax. *Hus*, *Domus*, and *Thing*, *Causa*, quasi *Domus causarum*.) This was my Lord *Coke's* Opinion of the Derivation of this Word. But it comes from the Sax. *Hustinge*, which signifies *Concilium*, or *Curia*. And so 'tis called in Sax. *Chron. An. 1012. viz.* They took the Bishop, and led him to their *Husting*, i. e. to the Council. But *Hustinga* est antiquissima & celeberrima Londoniorum Civitatis Curia suprema, the principal and highest Court in London, 11 H. 7. cap. 21. and 9 Ed. 1. cap. unico. Of

the great Antiquity of this Court, we find this honourable Mention in the Laws of King *Edward the Confessor*, *Debet etiam in London, qua est caput Regni & Legum, semper curia Domini Regis singulis septimanis die Luna Hustlingis sedere & teneri. Fundata enim erat olim & edificata ad instar & ad modum & in memoriam veteris magna Troje, & usque in bodiurnum diem Leges & jura & dignitates, libertates, regiasque consuetudines antiqua magna Troja in se continet* — & consuetudines suas una semper inviolabilitate conservat. See *Taylor's Hist. Gavelkind*, pag. 55. This Court is held before the Lord Mayor and Aldermen of London. Error or Attaint lies there of a Judgment, or false Verdict in the Sheriff's Court, as appears by *F. N. B. fol. 23.* Other Cities and Towns also have had a Court of the same Names, as *Winchester, Lincoln, York* and *Shepey*, and others, where the Barons or Citizens have a Record of such Things as are determinable before them. *Fleta*, lib. 2. cap. 55. Stat. 10. E. 2. cap. unico. 4. Inst. fol. 247. and *Gloss. in decem scriptores* on this Word.

**Hutesium**, A Hue and Cry. — *Abbas & Conventus usi sunt hiis libertatibus, scil. visum franciplegii, hutesium clamatum, & effusionem sanguinis.* Cartular. Abbat. *Glaston. MS. f. 87.*

**Hutylan**. Terras quietas ab omni Hutilan & omni alia exactione, & dimidiam acram in T. que tantum Hutilan reddit. *Mon. Angl. vol. 1. fol. 586. b. q.*

**Hibernagium**, The Season for sowing Winter-Corn, or Wheat and Rye, between *Michaelmas* and *Christmas*: As opposed to *tremagium* and *estivagium*, the Season for sowing Summer-Corn in the Spring of the Year. The Words were taken sometimes for the different Seasons, sometimes for the different Lands on which the different Grains were sowed, as Wheat and Rye on *Fallow*: Barley, Oats, &c. on Land of one Tith: And again sometimes for the different Corn, as *hibernagium* was applied to Wheat and Rye, which we still call *Winter-Corn*: And *tremagium* to Barley, Oats, &c. which we likewise term *Summer-Corn*. See *Fleta*, lib. 2. cap. 73. sect. 18. and lib. 2. c. 41. sect. 1. where it is called *Thornagium*. See *Ibernagium*.

**Hrde of Land**. See *Hide*.

**Hypocryb**, A Ransom paid to save one's Skin, viz. that it be not beaten. Also the same with *Hidage*.

**Hyth**, A Port or little Haven to lade or unlade Wares at, as *Queen-hyth, Lamb-hyth, &c.* *New Book of Entries*, fol. 3. — De tota Medietate Hythæ suæ in, &c. cum libero introitu & exitu, &c. *Mon. Angl. 2. par. fol. 142.*

## I.

**I** Hæc litera est etiam verbum seu rectius pronomen, i. scilicet, Ego, unde derivatur possessivum (meus) ut ab altero pronomine, (viz. tu, tuus) in English Mine and Thine; or as we use Meum and Tuum, the proper Guides of Right; and whose being misunderstood, hath been the Ground of all Quarrels.

**Jack** (olim *Wambasium*) erat tunica, quod non ferro Solido, sed tunicis plurimo lino intextis muniebatur: A Kind of defensive Coat worn by Horsemen in War, not made of solid Iron, but many Plates fasten'd together; which some by Tenure were bound to find upon any Invasion.

See

See *Hidage*. *Walsingham*, in the *Life of Richard II.* fol. 239. tells us, *Accepi ab ore ejusdem Johannis Philpot quod mille loricas vel Tunicas, quas vulgo vocant Jakes, redemerit de manibus creditorum.* And in *Pag. 249.* *Acceptum quoddam Vestimentum pretiosum Ducis Lancastria, quale Jack vocamus.*

It was called *Lorica*, because at first it was made with *Leather*.

*Jactibus* and *Flectibus*, A *Latin Word* signifying him that loseth by Default, *Placitum suum neglexerit, & Jactivus exinde remansit.* *Formul. solen. 159.*

*Jamaica* Is an *American Island*, lying on the South of *Cuba*; in Length from East to West Fifty Leagues, and in Breadth Twenty, the Middle under the eighteenth Degree of Northern Latitude: It was in Part taken from the *Spaniard* by the *English* in the Year 1655. and is mentioned in the *Stat. 15 Car. 2. cap. 5.*

*Jamaica-wood*, mentioned *15 Car. 2. cap. 5.* Is a Kind of speckled *Wood*, of which are made Cabinets, called there *Granadillo*. The Tree (as they say) is low and small, seldom bigger than a Man's Leg.

*Jambeaux*, Armour for the Legs. From *Jambe, Tibia*.

*Jameica*. See *Thamesis*.

*Jampnum*, Furz or Gorse; also a gorsy Ground, *Co. 1. part. fol. 179.* a Word much used in *Fines*, and the Name seems to derive it self from the French *Faulne*, i. Yellow, because the Blossoms of it are of that Colour. *Co. on Lit. p. 5.* says *Jampna*, signifies a waterish Place *Manwood* in his *Forest-Law*, *c. 25. num. 3.* says, No Man may cut down Furze or Whins, within the Forest without good Licence.

*Jannum*. Heath, Whins, or Furz. — *Ernisus queritur quod homines falcabant Jannum in quadam bruera quam habet in Dunbeved. Placita 23 H. 3. Sumerfet. apud Prinne. Collect. tom. 3. p. 93.*

*Jantum*. — *Malefactores venerunt in quadam separalem pasturam in Uplym, qua pertinet ad Abbatiam Glaslonia, & Janta & alia in eadem crescentia combusserunt.* — *Cartular. Glaslon. MS.*

*Jagues*, a Sort of small Money used here. 'Tis mentioned by *Staundford* in his *Pleas of the Crown.* *cap. 30.*

*Jar*, (*Span. Jarro, i. e. an Earthen Pot,*) With us it is taken for an Earthen Pot or Vessel of Oil, containing twenty Gallons.

*Jarroch*, (*Anno 1 R. 3. c. 8.*) is a Kind of Cork, or other Ingredient, which this Statute prohibits Dyers to use in dying Cloth.

*Jaun* (*Fr. Jaune, i. e. yellow Colour.*) *Praterea concedit Abbati & Conv. & hominibus eorum de Stanhal de se & de heredibus suis colligere Jaun & Feugere & breue & Genestam per terram suam sine impedimento, &c. Charta Will. de Bay, sine dat.* Doubtless here *Jaun* is used for Furze or Gorse, which we now in Law Latin call *Jampnum*, and anciently *Jannum*; as, *Decimas illius Jauni in Dunbeved. Pl. Assis. 22 H. 3.*

*Ibernagium, Hibernagium, Ybernagium.* Season for sowing Winter-Corn. — *Et arabit unam acram, seminabit cum semine Domini, eandem herciabit, videlicet, dimidiam acram ad Ibernagium & dimidiam ad tremagium, & cariat de feeno Domini.* *Chartular. Abbat. Glaslon. MS. f. 91. a.*

*Jr Dien*, The Motto under the Arms of the Prince of Wales. Sir Henry Spelman judges it was

Saxon *Ich Thein*, the Sax. D. with a Stroke traverse being *Tb.* and signified, *I serve, or am a Servant.* As the Saxon Kings ministerial Lords were called *Theins*.

*Itent, Suffolk, Norfolk, Cambridge, and Huntingdonshires.*

*Jch Dien* Is the Motto of the Arms of the Prince of Wales. From the Germ. *Ich-Dien. i. e. I serve.* It was formerly the Motto of *John King of Bohemia*, who was slain in the Battel of *Cressy* by *Edward the Black Prince*, and taken up by him to shew his Subjection to his Father.

*Itianos, Ichborow in Norfolk.*

*Icone, (Iconia,) a Figure, Image, or Representation of a Thing.* 'Tis mentioned in *Matt. Paris. pag. 146. 491.* in *Hovedon, pag. 670.* and in *Brompton, pag. 1178.*

*Ictus orbis, Ictus cæcus*, A Bruise, a Swelling, any Hurt or Maim without breaking the Skin, which they called properly *plaga*, a Wound, and *aperta plaga*, an open Wound. — *Si inveniatur plaga aperta, vel bruffura per ictus orbos. Bracton, lib. 2. tract. 2. cap. 5. sect. 7.* So *Orbis* was used for a black and blue Spot, or livid mark of Beating. — *Ligna faciunt bruffuras, orbis, & ictus, qui judicari non possunt ad plagam, ib. cap. 24. sect. 2.* So *Ictus cæcus* opposed to *ictus cruentus* and *Ictus apparens*. As in the Laws of *H. 1. c. 94.* — *Si alius alium verberet cæcis ictibus & non cruentis, sive cravatus ibi sit, vel non convictus, noxa vitam emendabat Domino, cujus hominem vulneravit.*

*Identitate nominis* Is a Writ that lies for him, who upon a *Capias* or *Exigent* is taken and committed to Prison for another Man of the same Name; whereof see the Form, and farther Use in *F. N. B. f. 267.* See *Reg. Orig. 194.* *Idempnitae nominis* maintainable by Executors, &c. *an. 9 H. 6. cap. 4.*

*Ides, Idus*, Are eight Days in every Month so called. In *March, May, July* and *October*, they begin at the eighth Day of the Month, and continue to the Fifteenth; in the Rest they begin at the Sixth, and End at the Thirteenth. But here observe, that only the last Day is called the *Ides*, the first being termed the eighth *Ides*, the Second, the Seventh, that is, the Eight or Seventh before the *Ides*, and so of the Rest, and therefore when we speak of the *Ides* of such a Month, we must understand it of the Fifteenth or Thirteenth Day of that Month. See *Calends*.

*Idiot* Is a Word in *Greek* properly signifying a private Man, who has no publick Office. Among the *Latins* it is taken for *illiteratus, imperitus*, and in our Law for *non compos mentis*, or a natural Fool. The Words of the *Stat. 17 E. 2. c. 9.* are *Rex habebit custodiam terrarum fatuorum naturalium*, whereby it appears he must be a natural Fool, that is, a Fool a *Nativitate*: For if he was once Wise, or became a Fool by Chance or Misfortune, the King shall not have the Custody of him. *Staundf. Prærog. cap. 9. F. N. B. fol. 232.* If one have Understanding to measure a Yard of Cloth, number Twenty, rightly name the Days of the Week, or to beget a Child, he shall not be counted an *Idiot*, or natural Fool, by the Laws of the Realm. See *4 Rep. Beverly's Case*.

*Idiota inquirendo vel eraminando*, Is a Writ to the Escheator or Sheriff of any County, where the King hath Notice that there is an *Idiot* naturally born, so weak of Understanding, that he cannot govern or manage his Inheritance, to call before



before him the Party suspected of *Ideocy*, and examine him: And also to inquire by the Oaths of Twelve Men whether he be sufficiently witted to dispose of his own Lands with Discretion or not, and to certify accordingly into the Chancery; for the King hath the Protection of his Subjects, and by his Prerogative the Government of their Lands and Substance that are naturally defective in their own Discretion. Stat. de Prærog. Regis, edit. 17 E. 2. cap. 8. whereof read Staundf. Prærog. cap. 9. and of this Writ read F. N. B. f. 232. and Reg. Orig. fol. 267.

*Idlemans*. Item quod nullus manuteneat nec ducat Kernes nec gentes vocatas Idlemen, nisi in Marchiis suis propriis. Pat. 5 Ed. 3. p. 1. m. 25.

*Idoneum se facere*. *Idoneare se*, To purge himself by Oath of a Crime of which he is accused. Leg. H. 1. cap. 75. where the Word *Idoneus* is taken for *Innocens*.

*Idumanus Flubius*, Blackwater in Essex.

*Iejunum*, (Purgatio per *Iejunium*.) 'Tis mentioned in Leg. Canuti cap. 7. apud Brompton, viz. Cum Sociis se purget, vel *Iejunum* ineat, si opus est, & applicetur ad corsned, & fiat voluntas Dei.

*Ieman*, sometimes used for *Yeoman*. Sciant quod ego Johannes Smith de Bromyard in Com. Heref. Jeman dedi Ricardo Wiggemore Arm. omnia terr. & Tenementa, &c. Dat. 10 Jan. An. 9 H. 6. This in Dutch signifies *aliquis*.

*Ifeofayle* Is a Compound of three French Words *j'ay faille*, i. ego lapsus sum, and in a legal Sense denotes an Oversight in Pleading, or other Law-Proceedings; touching which you have a Statute 32 H. 8. 30. whereby it is enacted. That if the Jury have once past upon the Issue, though afterward there be found a *Ifeofayle* in the Pleading, yet Judgment shall likewise be given according to the Verdict of the Jury. See Bro. Tit. Repleader. The Author of the New Terms of Law saith, That a *Ifeofayle* is, when the Parties to any Suit have in Pleading proceeded so far, that they have joined Issue, which shall be tried, or is tried by a Jury, and this Pleading or Issue is badly pleaded or joined, that it will be Error if they proceed: Then some of the said Parties may, by their Counsel, shew it to the Court as well after Verdict given, and before Judgment, as before the Jury be charged; the Shewing of which Defects, before the Jury charged, was often, when the Jury came into Court to try the Issue; then the Counsel which will shew it, shall say, *This Inquest you ought not to take*; and if it be after Verdict, then he may say, *To Judgment you ought not to go*: And because of this many Delays grew in Suits, for the Redress of which divers Statutes were made, viz. 32 H. 8. 30. before-mentioned, and others in Queen Elizabeth and King James his Days, viz. 18 El. 14. 12 Jac. 13. yet the Fault is little amended.

*Jesse*, A Branch, or large Candlestick of Brass branched into several Sconces, and hanging down in the Middle of a Church or Choir, to spread the Light to all Parts. This Invention was first called *Arbor Jesse* and *Stirps Jesse*, from the Similitude to the Branch or Genealogical Tree of Jesse. This useful Ornament of Churches was first brought over into England by Hugh de Flory, Abbot of St. Austins in Canterbury about the Year 1100. as thus recorded by the Historian of that Abbey. Pulpitum etiam in Ecclesia fecit, candelabrum etiam magnum in choro æreum, quod Jesse vocatur, in partibus emit transmarinis. Chron. Will. Thorn. p. 1796.

*Jessen*, *Jetson* and *Jotson*; From the French *Jetter*, *ejicere*, is any Thing thrown out of a Ship, being in the Danger of Wreck and by the Waves driven to the Shore. See *Flotson*, Co. lib. 5. f. 106.

*Jews*, *Judei*. See *Judaism*. Anciently we had a Court of the Justices assigned for the Government of the Jews. See 4 Inst. fol. 254. Rex—Vic. Wigor. salutem. Præcipimus tibi quod clamari & observari facias per totam Ballivam tuam, quod omnes *Judei* deferant in superiori indumento suo ubicunque ambulaverint vel equitaverint infra villam vel extra, quasi duas tabulas albas in pectore factas de lineo panno vel de pergameno, ita quod per lujusmodi signum manifeste possint *Judei* a Christianis discerni. T. comite apud Oxon, 30. Martii Claus. 2 H. 3. p. 1. 10. in Dorso.

*Jfungia*, i. e. the finest white Bread, formerly called Coked Bread.

Dic panem, lapidem, quoque dic *Ifungia*, Quare? Hoc quia de facili fungitur omnis homo.

*Ignis Judicium*, Purgation by Fire, or the old judicial fiery Trial. See *Ordeal*.

*Ignitegium*, The eight a Clock Bell, so called (as in old Engl. *Curfew*, *Couvre seu*, i. e. Cover-Fire,) because the Conqueror Will. 1. ordered his Subjects at that Hour upon the Signal of a Bell, or other Sound, to put out their Fires and Lights. When this Custom of extinguishing did by Degrees it self expire, yet the Ringing of a Bell at eight in the Evening, being still kept up, was long after called by the same Name. As in the Statutes and Customs of St. Paul's Church in London, collected by Ralph Baldock Dean, about the Year 1300. it is ordained, ut servientes officii Ecclesie claudant tempore yemali post initium pulsationis Complitorii ibidem, & tempore aestivali post initium pulsationis ignitegii, apud Sanctum Martinum. MS. Statuta Ecclesie Pauline.

*Ignoramus* Is a Word properly used by the Grand Inquest, impanelled in the Inquisition of Causes criminal and publick, and written upon the Bill, when they dislike their Evidence as defective, or too weak, to make good the Presentment; the Effect of which Word so written is, that all farther Enquiry upon that Party for that Fault is thereby stopped, and he delivered without further Answer. It hath a Resemblance of that ancient Custom of the Romans, where the Judges, when they absolved a Person accused, did write *A.* upon a little Table provided for that Purpose, i. *Absolvimus*; if they judged him guilty, they writ *C.* id est, *Condemnamus*; if they found the Cause difficult and doubtful, they writ *N. L.* that is, *Non liquet*. Asconius Radianus in oratione pro Milone, Alexander ab Alexandro. Genial. dierum, Lib. 3. c. 14.

*Jinieta*. Item apud Poulton xx boves, pretium bovis vi sol. viii boviculos, pretium cujuslibet ii s. viii jinietas, pretium cujuslibet ii s. 1 Affrum v sol. Char-tular. Abbat. Glaston. MS. fol. 60. Let the Curious enquire, whether *Jinieta* signifies a Colt, a young Horse, a *Fenner*, or not rather a Heifer, a young Cow, which in some old Latin was *Junix* and *Junieta*, quasi Junior Vacca.

*Ikenild-street* Is one of the four famous Ways that the Romans made in England, called *Stratum Icenorum*, because it took Beginning ab *Icenis*, which were the People that inhabited Norfolk, Suffolk, and Cambridgeshire. Cambd. Brit. f. 343. Leg. Edw. Conf. c. 12. See *Watling-street*.

**Ilchester.** See *Iscalis*.

**Illet**, by Contraction an Eight, i. e. a little Island.

**Illeivable**, That may or cannot be levied, and therefore *Nil* is a Word set upon a Debt *Illeivable*.

**Illuminate**, To illuminate, to draw in Gold and Colours the initial Letters, and the occasional Pictures in Manuscript Books. — *Ita ut ipse Episcopus libros scribere, illuminare, & ligare non fastidiret.* Brompton, sub anno 1076. Those Persons who particularly practised this Art, were called *Illuminatores*, whence our *Limners*.

**Imbargo**, A Stop or Stay, most commonly upon Ships by publick Authority. 18 Car. 2. cap. 5.

**Imbezle** or **Imbessil**, To Waste, Scatter and Consume; as if a Person intrusted with Goods, waste and diminish them, we say, He hath *imbessil'd* the Goods. 14 Car. 2. c. 31.

**Imblotcare**. See *Excommunication*.

**Imbratery**. See *Embracery*.

**Imbren**. *Ember-Days*. The four *Ember-Weeks*, or solemn Seasons for Ordination: First used as quarterly Fasts to pray for the Fruits of the Earth; they are mentioned in the Council of *Enbam*, anno 1009. c. 16. and in the Laws of King *Alfred*. cap. 39.

**Imbrebiate**, (Stat. 37 Ed. 3. 4.) *imbreviare*: In *Schedulam* (quod breve vocant) rem conscribere, redigere: Scripto breviter mandare.

**Imbrocus**, A Brook, a Gut, a Water-passage. — *Totum nostrum imbrocum de Blakeburn, sive prædictus brocus sit major sive minor, cujus broci longitudo ex australi parte incipit ad partem de Oxenal, & ducit super aquam de Limenal.* Somner of Ports and Forts, p. 43.

**Impalate**, To put in the Pound. Leg. Hen. 1. cap. 9.

**Impanulate**, To *Impanel* a Jury. A Privilege was sometimes granted, that a Person should not be *impanelled*, or returned upon a Jury. — *Non ponatur nec impanelletur in aliquibus Assisis, Juratis, Recognitionibus, &c.* Paroch. Antiquit. pag. 657. See Mr. *Kennet's Glossary*.

**Imparlance**, (*Interlocutio* or *interloquela*) is a Motion or Petition made in Court by the Tenant or Defendant, upon the Count of the Demandant or Declaration of the Plaintiff; whereby he craves Respite, or a farther Day to put in his Answer. See *Brook*, Tit. *Continuance*. *Imparlance* is general or special. Special is with this Clause, *Salvis omnibus advantagiis, tam ad jurisdictionem Curie, quam ad Breve & Narrationem.* *Kitchin*, f. 200. General is that which is made at large, without inserting that, or the like Clause. See *Emparlance*.

**Imparsonce**, As *Parson imparsonce*, *Persona imparsonata*, is he that is inducted, and in Possession of a Benefice. *Dyer*, f. 40. num. 72. says a Dean and Chapter, are Parsons *imparsonces* of a Benefice appropriate unto them.

**Impeachment of Waste**, *Impetio vasti*, cometh of the French *Empeschment*, i. *impedimentum*, and signifies a Restraint from committing of Waste upon Lands and Tenements. See *Waste*. And therefore he that hath a Lease without *Impeachment of Waste*, hath by that a Property or Interest given him in the Houses and Trees, and may make Waste in them without being impeached for it, that is, without being questioned, or demanded any

Recompence for the Waste done. See *Co. lib. 11. Bowle's Case*, f. 82.

**Impechiare**, (French *Empescher*. Latin *Impetere*.) To impeach, to accuse and prosecute for Felony or Treason, — *Et promissi Regi Navarra quod nunquam eum impechiaret pro morte dicti Caroli de Hispania.* Hen. de Knighton, sub anno 1256. *Spelman* and *Sommer* tell us, That it is derived from the Lat. *Impetere*, which is to accuse, or in *ius vocare*, from whence *impetio* signifies an Accusation, viz. *sine impetitione vasti*, is without impeaching or accusing him of Waste.

**Impediatus**, *Expeditatus*, *Impediati canes*, Dogs lawed and disabled from doing Mischief in the Forests, and Purlicus of them. — *Omnes canes infra forestam solebant esse impediati aut amputati sinistro ortello.*

**Impediens**, *Hec est finalis concordia facta in Curia Domini Regis apud West. in octabis Sancti Hillarii, Anno Regni Regis Henrici Filii Regis Johannis Septimo, coram Thoma de Multon, &c. Inter Willielmum de Mohun querentem & Will. Brewere impediensem de Manerio de Clynton, &c. Et unde Placitum de Esambio faciend. summonit. fuit inter eos in eadem Curia, &c.* Where *Impediensem* seems to be used for *Defendentem* or *Deforcientem*.

**Imperiale**, i. e. a Sort of very fine Cloth. *Item tunica de Imperiali cum arboribus rubris & leonibus aureis, &c.*

**Impescatus**, *Impeached*, accused, *Burgenses & Piscatores Civitatis nostra London, super illicitis negotiationibus, &c. calumpniati essent coram nobis & impescati.* Pat. 18 Ed. 1. p. 1. m. 15. intus.

**Impetio**, Accusation or Impeachment. As *sine impetitione vasti*, or *sine impedimento vasti*, i. e. without Impeachment of Waste; the Party shall not be questioned or accused for any Waste.

**Impetration**, (*Impetratio*) an obtaining by Request and Prayer. It is used in our Statutes for the Pre-obtaining of Benefices and Church-Offices in England, from the Court of Rome, which did belong to the Gift and Disposition of our Lord the King, and other Lay-Patrons of this Realm. The Penalty whereof was the same with *Provisors*. 25 Ed. 3. See 38 Ed. 3. Stat. 2. cap. 1.

**Impierment** (*Anno 23 H. 8. cap. 9.*) signifies as much as impairing or prejudicing. For the Words of the Statute are, *To the Impierment and Diminution of their good Name.*

**Implead**, (From the Fr. *Plaider*) to sue, arrest or prosecute by Course of Law.

**Implements** Cometh either of the French Word *Employer*, to employ; or the Latin *Impleo*, to fill up, and is used for all Things necessary for a Trade, or Furniture of a Household: And in that Sense you shall often find the Word used in Wills, and Conveyances of Moveables.

**Impost** Is a French Word signifying Tribute, and derived of the Verb *Imposer*, i. *inungere*, and signifieth the Tax received by the Prince; for such Merchandise as are brought into any Haven within his Dominions from Foreign Nations. 31 Eliz. 5. It may in some sort be distinguished from Custom, because Custom is rather that Profit the Prince maketh of Wares shipped out; yet they are frequently confounded.

**Imprest-Money**, i. e. Money paid at listing of Soldiers: From the Preposition *In*, and Fr. *prest*, *paratus*.

**Impetabilis** Is a Word often mentioned in *Matt. Paris.* and it signifies invaluable.

**Impressum**, A Print, Impression; also the Art of Printing, and likewise a Printing-house. *Anno 4 Car. 2. cap. 23.*

**Impuniti**, Those who side with, or take Part with another, either in his Defence or otherwise: 'Tis often mentioned in *Matt. Westm. viz. Furamentum ex parte Regis Anglorum fuerat violatum dum Imprisi sui ob gravissimam redemptionem sunt redempti*, pag. 282. so in another Place, *omnes homines & Imprisi Domini Ludovici, &c.* So in *Matt. Paris. pag. 127. quod nos erimus Imprisi ejusdem Regis, &c.*

**Imprisonment**, *Imprisonamentum*, Is the Restraining of a Man's Liberty, whether it be in the open Field, or in the Stocks, or Cage in the Streets, or in a Man's own House, as well as in the Common Gaol. And in all these Places the Party so restrained is said to be a Prisoner, so long as he hath not his Liberty freely to go at all Times, to all Places whither he will, without Bail or Mainprize.

**Impropriation**, Of which there are in *England 3845*. It is properly so called, when it is in the Hands of a Layman, and Appropriation when in the Hands of a Bishop, College, or Religious House, though sometimes they are confounded. See *Appropriation*.

**Impruement**. See *Approvement*.

**Impruiare**, To improve Land. *Impruiamentum*, the Improvement so made of it.—*Nunquam liceat pr. dicto A. nec heredibus ipsius pasturam de averiis suis onerare, nec aliquid impruiamentum nostrum alicui in predicto manerio unquam impedire.* Chartular. Abbat. Glaston. MS. fol. 50. a. Breve de nova disseisina super impruiamentis factis in moris de Sowey—*remisit omnem querelam pro xii. acris impruiandis in eadem mora. ib.*

**In alto & inno**, The same with *Alto* and *Basso*, which see.

**Inblaura**, Profit or Product of Ground.—*Quoddam messuagium cum uno ferdello terra in Manerio de Wrington—cum tota inblaura in perpetuum resignavit.*—Chartular. Glaston. MS. f. 70.

**Inbo:ly & Outbo:ly**, Saxon. Vide *Cambden's Britan. in Ottadini*, Where he says, speaking of *Edelingam*, the Barony of Patrick Earl of *Dunbare*, which also was *Inborow* and *Outborow* between *England* and *Scotland*, as we read in the Book of *Inquisition*, that is, (as he believes) he was to allow and to observe in this Part the Ingress and Egress of those that travelled to and fro between both Realms; for *Englishmen* in ancient Time called in their Language an Entry and Fore-Court or Gatehouse, *Inborow*.

**Incastellare**, To reduce a Thing to serve instead of a Castle; the Word is often applied to Churches, as in *Gervaf. Dorob. Anno 1144. viz. Qui post mortem patris ecclesiam Incastellatam retinebat.* So in *Malsbury. Ecclesiam B. Maria Genetricis Dei Lincoln. incastellaverat.*

**In casu confimili** Is a Writ. See *Casu confimili*.

**In casu prohibito** Is a Writ. See *Casu Prohibito*.

**Incaustum**. See *Encaustum*.

**Inchanter**, *Incantator*, Is he that by Charms or Verses conjures the Devil. *Qui carminibus vel cantuunculis Daemonem adjurat.* The Ancients called them *Carmina*, because in those Days their

Charms were in Verse. 4 *Par. Inst. fol. 44.*

**Inchantress**, *Incantatrix*, Is a Woman that uses Charms and Incantations. See *Inchanter*.

**Inchartare**, To give any Thing by an Instrument in Writing: *Concessit ipse Comiti terram ipsam & inchartavit post aliquot annos, ut possessio sua sic firmitus roboretur.* *Matt. Paris. Anno 1252.*

**Incident**, *Incident*, signifies a Thing necessarily depending upon another as more principal. For Example, a Court-Baron is so incident to a Manor, and a Court of Pypowders to a Fair, that they cannot be severed by Grant; for if a Manor or Fair be granted, these Courts cannot be severed. *Kitchin, fol. 36. See Co. on Litt. fol. 151.*

**Inclaudare**, 'Tis mentioned in the *Monasticon*, 2 tom. p. 598. and signifies to fetter a Horse, viz. *Et si Inclaudet palefridum Regis dabit ei palefridum 4 marcaturum, &c.*

**Inclausa**, A Home-Close, or Inclosure near the House.—*Dicunt per sacramentum suum, quod capitale messuagium valet per annum cum tota Inclausa.* 11 fol. *Paroch. Antiquit. pag. 31.*

**Incopolitus**, A Proctor or Vicar: *Prohibeo ne summoneas monachos, &c. ut eant ad Hundreda, nec ad ferras, sed Incopolitos suos, vel unum ex hominibus suis mittant.* *Leg. H. 1. Monast. 1 Tom. pag. 1023.*

**Incrementum**.—*Dedi J. B. Quoddam Incrementum terra mea apud D. &c.* by which is meant a Parcel of Land inclosed out of common or waste Ground. But the Word was more often used for Advance in Rent or other Payment.—*Reddendo antiquam firmam & de incremento xi s.* *Paroch. Antiquit. pag. 164. Taxatio Spiritualitatis una cum incremento per relaxationem. ibid. pag. 316.* To which was opposed *decrementum*, Abatement, whence *Decrements* in the Buttery-Books, on Accounts of batteling in Oxford.

**Incroach**, *Incrociare*. See *Encroachment*. *Admirals* and their Deputies do incroach to themselves Jurisdictions, &c. 15 R. cap. 4.

**Incumbent** Is a Derivative from the Latin Verb *Incumbo*, to mind diligently, and is a Clerk Resident on his Benefice with Cure, *Co. on Litt. f. 119.* and called *Incumbent* of that Church, because he doth or ought to bend his whole Study to discharge his Cure. 10 H. 6. 7. and 1 & 2 P. & M. cap. 17.

**Incurramentum** Is used in *Rot. Vasc. 17 E. 1. M. 13.* For incurring a Penalty, or becoming subject to a Fine or Amercement. So *incurri alicui*, to be liable to another's legal Censure or Punishment. As in the Stat. 2 *Westm. c. 37. Statutum est quod ejusmodi Tenentes capitalibus Dominis aut Regi incurrantur.*

**Indecimable**, *Indecimabilis*, That is not tithable, or ought not to pay Tithes. 2 *Par. Inst. 490.*

**Indefeisible**, That cannot be defeated, undone, or made void: As, *A good and indefeisible Estate, &c.*

**Indefensus**, One that is impleaded, and refuseth to Answer. *Et predictus Judeus nihil sciscit dicere contra sectam dicti Ricardi, nec voluit ponere se in Inquisitionem aliquam. Consideratum est, quod tanquam indefensus sit in misericordia, &c.* *Communia de Mich. 50 Hen. 3. Rot. 4. intus.*

**Indemnitates**: When a Church is appropriate to an Abbey or College, then the Archdeacon for ever

ever loseth his Induction-Money, in Recompence whereof, he shall have yearly out of the Church so appropriate xii d. or ii s. more or less, for a yearly Pension, as it is agreed at the Time of the appropriating: And his Payments are called *Pensions* or *Indemnities*. MS. in Bibl. Cott. sub effigie Cleopatra. F. 1. fol. 84. a.

**Indenture**, (*Indentura*) Is a Writing comprising some Contract, Conveyance or Covenant between two or more, and being indented in the Top answerable to another Part, which hath the same Contents, it thence takes its Name; and differs from a Deed-Poll, which is a single Deed undented. Coke on Littl. fol. 229. I have seen a Deed of Agreement, (*tempore Edw. 1.*) concluding thus, *In cujus rei testimonium alterius scripto in medio inciso Sigillum suum apposuit*. This the Greeks call'd *συνγραφή* or *συγγραφή*, which the Civilians have defined to be *Scriptura inter creditorem & debitorem indentata, in cujus scissura literis capitalibus hac dictio Συγγραφή*, or plurally *τα συγγραφα*, scribitur; and it differs from *χρησισαφες*, quia hoc manu unius tantum puta debitoris scribitur, & penes debitorem relinquitur. Prun. constitut. de Offic. archidiacono. cap. prim. verbo in scriptis.

**Indicabit** Is a Writ or Prohibition that lieth for a Patron of a Church whose Clerk is Defendant in Court-Christian, in an Action of Tithes commenced by another Clerk, and extending to the fourth Part of the Church, or of the Tithes belonging to it; for in this Case the Suit belongeth to the King's Court by the Stat. Westm. 2. cap. 5. Wherefore the Patron of the Defendant, being like to be prejudiced in his Church and Advowson, if the Plaintiff obtain in the Court-Christian, hath this Means to remove it to the King's Court. Reg. Orig. fol. 35. See Old Nat. Brev. fol. 31. and Britton, cap. 109.

**Indictio**, (*Indictatus*) When any one is accused by Bill or Declaration, and preferred to Jurors at the King's Suit, for some Offence, either criminal or penal, he is said to be *indicted* thereof. Item utitur quod si aliquis Comburgensium nostrorum sit indictatus semel, bis vel ter, aut pluries, in aliquo casu Corone, non obstante quod non sit convictus, inveniet sufficientem securitatem de bene gerendo se erga Balivos, &c. Quia dicitur in Communi Legge, quod tales sunt reprobatii & attincti, & per Leges & Consuetudines dicti Burgi, tales non sunt accepti ad Placita, nec ad Judicium inter nos dandum, quia exeunt a Conditionibus nostris. MS. Codex de LL. Statutis & Consuetud. Burgi Villæ Mountgomer. a temp. Hen. 2. fol. 16.

**Indictio**, The same with Indictment: *Nonnumquam enim sunt Accusationes de Foresta, & Indictiones vulgariter sic appellatæ*. Du Cange. Sometimes it is taken for the Space of Fifteen Years.

**Indiction**, (*Indictio, ab indicendo*) The Space of fifteen Years, by which Account Charters and publick Writings were dated at Rome, and anciently in England too, every Year still increasing one, till it came to fifteen, and then returning to one again; which Account of Time began at the Dismission of the Nicene Council, Anno 312. Facta sunt hæc Anno Dominica Nativitatis 904. Indictione 8. Regni vero Eadgari Anglorum Regis sexto. Charta Eadgari Regis Oswaldo Episcopo Wergecestre. And a Charter of King Hen. 3. dated apud Chippebam, 18 die April. Indictione nona, Anno Domini 1266.

**Inditement** or **Enditement**, *Indictamentum*, cometh of the French *Enditer, indiquer*; or according to Mr. Lambard, from the Greek *ἐνδίκην*. Eirenar. lib. 4. cap. 5. pag. 468. It signifies in our Common Law as much as *Accusatio* in the Civil Law, though in some Points it differ. West. par. 2. Symb. Tit. Inditements, defineth it thus, An Inditement is a Bill or Declaration made in Form of Law (for the Benefit of the Commonwealth) exhibited as an Accusation of one for some Offence, either criminal or penal unto Jurors, and by their Verdict found and presented to be true, before an Officer having Power to punish the same Offence. It seems to be an Accusation, because the Jury that enquireth of the Offence, doth not receive it, until the Party that offereth the Bill appearing, subscribe his Name, and proffer his Oath for the Truth of it. It is always at the Suit of the King, and differs from an Accusation in this, that the Profferer is no Way tied to the Proof thereof upon any Penalty, if it be not proved, except there appear Conspiracy. See Smith de Rep. Angl. lib. 2. cap. 19. Staund. pl. cor. lib. 2. cap. 23, 24. sic usq; ad 34. Enditements of Treason ought to be very exactly and certainly penned. Col. 7 Rep. Calvin's Case; and they must contain the Day, Year and Place. See 37 H. 8. cap. 8. and 3 par. Inf. fol. 134.

**Inditor** Is he that *indicteth* another for any Offence. 1 E. 3. cap. 11. And *Inditeo* is he that is *indicted*. 21 Fac. cap. 1.

**Indistanter**, Without Delay. Matt. Westm. Anno 1244. Indistanter remeavit.

**Indivisum** Is used for that which Two hold in Common, without Partition. Kitchin, fol. 421. in these Words, He holds *pro indiviso*, &c.

**Indolis**, i. e. A studious young Man, or a Youth. Ego Edgar Indolis Clito consensi. Mon. Angl. 3 Tom. pag. 120.

*Nititur indolem claris parentibus ortum  
Flevere cum precibus, &c.*

**Indorsement**, *Indorsamentum*, Is any Thing written on the Back of a Deed, as a Condition written on the Back of an Obligation is commonly called *An Indorsement*. West. Symbol. part 2. sect. 157. The Sealed and Delivered, &c. on the Back of an Indenture is called the *Indorsement*.

**Induction**, *Inductio*, A leading into: It is most commonly taken for the giving Possession to an Incumbent of his Church, by leading him into it, and delivering him the Keys, by the Commisary, or Bishop's Deputy, and by his ringing one of the Bells. Croke, Rep. 3 part. fol. 258.

**In esse**, 21 Fac. cap. 2. **In Being**: The Learned make this Difference between Things *in esse*, and Things *in posse*; as a Thing that is not, but may be, they say, Is *in Posse*, or *Potentia*; but a Thing apparent and visible, they say, Is *in esse*, that is, has a real Being *eo instanti*, whereas the other is casual, and but a Possibility. As, a Child before he is born, or even conceived, is a Thing *in Posse*, or which may be: After he is born, he is said to be *in esse*, or actual Being.

**Inewardus**, *Inwardus*, A Guard, a Watchman, one set to keep Watch and Ward.—In Limnare Lest in Bresenai habet Rex consuetudinem s'il. 11 caretas, & 11 ficas anguillarum pro uno Inewardo,



do, & de uno ingo de Northbnyge xii. denarios aut unum Inewardum & de Dena xviii. denarios, & de Garra unum Inewardum. Lib. Domesday Chent. Quando Rex venatui instabat de unaqua; domo per consuetudinem ibat unus homo ad stabitationem in silva. Alii homines non habentes integras masuras inveniebant inewardos, ad aulam quando Redierant in civitate. — Lib. Domesday. Herefordshire.

**Infalifatus:** This Word occurs only in Ralph de Hengham, summa parva, cap. 3. vir commisit feloniam ob quam fuit suspensus, utlagatus, vel alio modo morti damnatus, vel demembratus, vel apud Dover infalifatus, vel apud Southampton submersus, vel apud Winton demembratus, vel decapitatus, ut apud Northampton: vel in mari superundatus, sicut in aliis partibus portuum. — Mr. Selden in his Notes on that Author, says thus, "It appears that several Customs of Places made in those Days capital Punishments several. But what is 'infalifatus' In Regard of its being a Custom used in a Port-Town, I suppose it was made out of the French Word *Falize*, which is fine Sand by the Water Side, or a Bank of the Sea. In this Sand or Bank it seems their Execution at Dover was". The elaborate Du-Fresne does condemn this Derivation and this Sense of the Word, but yet gives no better. And therefore till we have more Authority, we may conclude that *infalifatus* did imply some capital Punishment inflicted on the Sands or Sea-Shore: Perhaps *Infalifatio* was Exposing the Malefactor to be laid bound upon the Sands, till the next full Tide carried him away; of which Custom if I forget not, there is some dark Tradition. However I believe the Penalty took Name from the Norman *Falese*, *Falefia*, which signified not only the Sands, but rather the Rocks and Cliffs adjoining or impeding on the Sea-Shore. See the like Use of *Falefia* in Mon. Angl. tom. 2. pag. 165. b.

**Infang** alias **Infeng**, Significat quietantiam prioris prise ratione convivii. Fleta, lib. 1. cap. 47.

**Infangthefe**, **Infangthefe** or **Infangthef**, Is compounded of three Saxon Words; the Preposition *In*, *fang* or *fong*, to take or catch, and *thefe*, a Robber: It signifieth a Privilege or Liberty granted unto Lords of certain Manors to judge any Thief taken within their Fee. Bracton, lib. 3. tract. 2. cap. 35. saith, *Dicitur Infangthef latro captus in terra alicujus de hominibus suis propriis, seistus Latrocinio. Urfangthefe vero dicitur latro extraneus, veniens aliunde de terra aliena & qui captus fuit in terra ipsius, qui tales habet libertates, &c.* In the Laws of King Edward the Confessor, set out by Mr. Lambard, cap. 26. you have it thus described. *Infangthefe, justitia cognoscentis latronis sua est, de homine suo, si captus fuerit super terram suam: Illi vero qui non habent has consuetudines coram justitia Regia rectum faciant in Hundredis, &c.* **Infangthef**, i. e. *Quod latrones capti in Dominio vel feodo Prioris, & de latrocinio convicti in Curia Domini Prioris judicentur, & ad furcas ejus suspendentur.* Ex Reg. Priorat. de Cokesford. So that it was necessary the Thief should be taken in his Lordship, and with the Goods stolen, otherwise the Lord had not Jurisdiction to try him in his Court; but by the Laws of Edward the Confessor, he was not restrained to his own People or Tenants, but he might try any Man who was thus taken in his Manor: The Definition hereof see also in Britton, fol. 90. and Reg. Hovenden, part. poster. suor. annal. fol.

345. And Skene de verb. signif. who writeth of it at large, reciting Diversity of Opinions touching this, and *Oufangthefe*. Fleta, lib. 1. cap. 47. says, *Infangthefe* (for so he writes it) dicitur latro captus in terra alicujus, seistus aliquo latrocinio de suis propriis hominibus. Anno 1 & 2 P & M. cap. 15.

**Infant**, **Infans**, Before the Age of one and twenty Years, a Man or Woman is called an Infant in the Law. Co. on Lit. lib. 1. cap. 21. & lib. 2. cap. 28. An Infant of eight Years of Age, or above, may commit Homicide, and be hanged for it, viz. if it may appear by hiding the Person, by excusing, or by any other Act that he had Knowledge of Good and Evil, and of the Danger of the Offence, for here *Malitia supplebit atatem*; yet Co. upon Litt. sett. 405. saith, That an Infant shall not be punished till the Age of fourteen, which, says he, is the Age of Discretion.

**Infensare Curiam**, i. e. To inform the Court. *Nec debet Judex facere se partem in aliquo placito, &c. nisi ad Infensandam Curiam, &c.*

**Infideles**, Heathens. *Inter infideles connumerare*, to excommunicate. So Henry Bishop of Winchester threatned Brien Fitz Count, Lord of Walsingham, in the Reign of King Stephen. — *Et vos (quod tamen mihi confiteri grave est, nec cordi meo sedet) nisi correxeritis, inter infideles Anglia connumerabo.* Paroch. Antiquit. pag. 100. When the Popes of Rome gave empty Titles to some Bishops, assigning them to remote and imaginary Sees, they were said to be Bishops in partibus Infidelium.

**Infirmary**: In Monasteries, there was an Apartment allotted for infirm or sick Persons; and he who had the Care or Custody of this Infirmary was called *Infirmary*. See Mat. Par. sub anno 1252. Tho. Stubb, sub anno 1285. Will. Thorne, sub anno 1128, &c.

**Infostetare**. See **Afforestare**.

**In forma pauperis**: When any Man that hath a just Cause of Suit either in the Chancery, or any other the Courts of Common Law, will come either before the Lord Keeper, Master of the Rolls, either of the Chief Justices, or Chief Baron, and make Oath, that he is not worth five Pounds, his Debts paid, either of the said Judges will in his own proper Court admit him to sue in *forma Pauperis*, and he shall have Counsel, Clerk or Attorney assigned to do his Business, without paying any Fees.

**Information for the King**, *Informatio pro Rege*, Is the same that for a common Person we call a Declaration, and is not always done directly by the King, or his Attorney, but sometimes by another, *qui sequitur tam pro Domino Rege quam pro seipso*, upon the Breach of some penal Law or Statute, wherein a Penalty is given to the Party that will sue for the same; and may be either by Action of Debt or Information. See **Indistment**.

**Informatus non sum**, or more truly **Non sum Informatus**, Is a formal Answer made of Course by an Attorney, that is commanded by the Court to say what he thinketh good in Defence of his Client, who being not instructed to say any Thing material, says; He is not informed, by which he is deemed to leave his Client undefended, and so Judgment passeth for the adverse Party. See the New Book of Entries, Tit. *Non sum informatus*, and Judgment 12.

**Informet**,

**Informet, Informator,** Is any one who informs or prosecutes, in any of the King's Courts of Common Law, viz. Exchequer, King's Bench, Common Pleas, Assises or Sessions, those that offend against any Law, or penal Statute: These, in some Cases, are called *Promoters*; the *Civilians* term them *Delatores*.

**Infortiatum** Is one Part of the Digests of the Civil Law, and was so called by *Robert Swapham*, in a Chronicle of the Monastery of *Peterborough* who lived in the Reign of *H. 3.* who tells us That *Benedict*, an Abbot of that Monastery, who died in the Year 1194. described several Law Books, among the Rest, the *Institutions of Justinian*, with the *Authenticks*, the *Infortiatum*, the *Old Digest*, &c.

**Infrang** Is derived from the Preposition, *In*, and *Sax. Freah*, i. e. Free: 'Tis an Exemption from a Mulct for Manslaughter.

**Infragare**, To put to Flight: 'Tis mentioned in *Leg. Canuti*, cap. 32. viz. *Qui forisbannitum paverit, vel ei firmationem aliquam exhibuerit, emendet Regi 5 lib. nisi se adlegiet quod Infugatum cum nesciebat.*

**Infusa** Was the Garment of a Priest, like that which we now call a Cassock; sometimes it signifies a Coif.

**Inge**: This Syllable, in the Names of Places, signifies a Meadow or Pasture: From the *Sax. Ing*, i. e. *pratum*, and in the North, Meadows are still called the *Inges*.

**Ingenium**, An Engine, Instrument, or Device.

*Exierunt enim jam sapius de castello, & ingenia ejus vel succiderunt vel incenderunt.* Flor Wigorn, contin. sub anno 1138. — *Ponant burrocas suas & alia ingenia ubicunq; voluerint ad capiendos pisces.* Cartular. Abbat. Radinges. MS. f. 55. b. It is often taken for Instruments used in War, *arte & Ingenio confectum*, from whence we derive the Word Engine. *Ingenia vero & pararia Christianorum ita retro fossata erant, quod nullus ex parte adversa poterat eis nocere.* Brompton. pag. 1166.

**Ingenuitas**, i. e. Liberty given to a Servant by Manumission. *Leg. H. 1. cap. 89. Si quis per Chartam Ingenuus dimissus fuerit, & a quolibet homine ad servitium interpellatus fuerit, &c.*

**Ingenuitas Regni**, *Ingenui*, *Liberi* & *Legales Homines*. Freeholders, Commonalty of the Kingdom. Not that the Word was restrained to Yeomen or Plebeians. For it was sometimes given to the Chief Barons, as in the Reign of *Hen. 1.* *Anselmus Archiep. Cant. in Pascha Curiam venit, Regni Ingenuitatem presens consulit, i. e. the great Lords and King's Common Council.* *Eadmer. Hist. Nov.* fol. 70.

**Ingor**, A rude Mass of Gold or Silver before it is coined: From the Belgick *Ingleten*, *insundere*.

**Ingradare**, To accuse. See *Cravare*.

**Ingressu** Is a Writ of Entry, whereby a Man seeketh Entry into Lands or Tenements: It lies in many Cases, and hath many several Forms. See *Entry*. This Writ is also called in particular, *Præcipe quod reddat*; because those be formal Words in Writs of Entry. The Writs, as they lie in divers Cases, are these, set down in the *Old Nat. Brev.* viz. *Ingressu ad Terminum qui præterit*, fol. 121. *Reg. Orig.* fol. 227. which lieth where the Lands or Tenements are let to a Man for Term of Years, and the Tenant holdeth over his Term. *Ingressu dum non fuit compos mentis*, *Reg. Orig.* 218. which lies when a Man selleth

Land or Tenement; being out of his Wits, &c. *Ingressu dum fuit infra ætatem.* *Old N. B.* fol. 123. *Reg. Orig.* fol. 228. lies where one under Age sells his Lands, &c. *Ingressu super disseisina in le quibus.* *Old N. B.* 125. *Reg. Orig.* 229. lies where a Man is disseised, and dieth; for his Heir against the Disseisor. *Ingressu in le Per.* *Old Nat. Brev.* 126. *Reg. Orig.* fol. 229. *Ingressu sur cui in vita.* *Vet. N. B.* 128. *Reg. Orig.* 230. both which see in *Entry*. *Ingressu causa matrimonii prælocuti.* *Vet. N. B.* fol. 230. *Reg. Orig.* 233. which see in *causa Matrimonii prælocuti.* *Ingressu in causa proviso.* *Vet. N. B.* 132. *Reg. Orig.* 235. which see in *casu proviso.* *Ingressu cui ante divorcium.* *Vet. N. B.* fol. 130. *Reg. Orig.* 233. For which see *Cui ante divorcium.* *Ingressu in casu consimili*, for which see *Casu consimili.* *Ingressu sine assensu capituli.* *Reg. Orig.* fol. 230. It is a Writ given by the Common Law to the Successor of him that alienated *sine assensu capituli*, &c. and is so called from those Words contained in the Writ. *Co. on Lit.* fol. 325. And *Ingressu ad communem Legem.* *Vet. N. B.* 132. *Reg. Orig.* 234. which lieth where the Tenant for Term of Life, or of another's Life, Tenant by Curtesy, or Tenant in Dower, maketh a Feoffment in Fee, and dieth: He in the Reversion shall have the aforesaid Writ against whomsoever that is in the Land, after such Feoffment made.

**Ingressus**. The Relief which the Heir or Successor at full Age paid to the prime Lord, for entering upon the Fee, or Lands, which were fallen by the Death or Forfeiture of the Farmer Feudatary. This *Relevium*, *Relevamentum* or *Relevatio*, was sometimes called *Ingressus*; and sometimes *Introitus*, being but a customary Due (as at first only an honorary Present) to the Lord from his new Vassal, for his Entry or Ingress upon his Land or Fee.

**Ingrossator magni Rotuli**. See *Clerk of the Pipe*.

**In gross** Is that which belongs to the Person of the Lord, and not to any Manor, Lands, &c. As *Villain in Gross*, *Advowson in Gross*, &c. *Co. on Lit.* fol. 120.

**Ingrosser**, *Ingrossator*, From the French *Grosier*, that is *Solidarius venditor*, is one that buys Corn growing, or dead Victuals to sell again, except Barley for Malt, Oats for Oatmeal, or Victuals to retail; Badging by Licence, Buying of Oils, Spices and Victuals, other than Fish or Salt. *Anno 5 E. 6. cap. 14. 5 Eliz. 14. 13 Eliz. 25.* but *West. Symbol. part 2. Tit. Inditements, Sect. 64.* says, This Definition rather doth belong to unlawful *Ingrossing*, than to the Word in general. See *Forestaller*, and 3 *par. Inst.* fol. 195. *Ingrosser* is also a Clerk that writes Records or Instruments of Law in Skins of Parchment: As in *Henry the Sixth's* Time, he who is now called *The Clerk of the Pipe*, was called *Ingrossator Magni Rotuli*; and the *Comptroller of the Pipe*, was called *Duplex ingrossator*. *Spelm.*

**Ingrossing of a fine** Is making the Indentures by the *Chirographer*, and the Delivery of them to the Party unto whom the Cognizance is made. *F. N. B.* fol. 147.

**Inheritance, Hereditas**, Is a Perpetuity in Lands or Tenements to a Man and his Heirs: For *Littleton, lib. 1. cap. 1.* hath these Words. This Word *Inheritance* is not only understood where a Man hath *Inheritance* of Lands and Tenements by Descent of Heritage, but also every Fee-simple or Fee-tail that a Man hath by his Purchase, may

may be said by *Inheritance*, for that his Heirs may inherit after him. Several *Inheritance* is that which two or more hold severally; as if two Men have Land given them, to them and their Heirs of their two Bodies; these have joint Estates during their Lives, but their Heirs have several *Inheritance*. *Kitchin*, fol. 155. See *Terms de la Ley*, verbo *Enheritance*.

*Inherwardus*, One attending the King in *Hereford* and *Cambridge* Shires. *Domesday*.

*Inhibition*, *Inhibitio*, Is a Writ to inhibit or forbid a Judge from farther Proceeding in the Cause depending before him. See *F. N. B.* fol. 39. where he putteth *Prohibition* and *Inhibition* together. *Inhibition* is most commonly a Writ issuing out of a higher Court Christian to a lower and inferior, upon an Appeal. Anno 24 H. 8. cap. 12. and 15 Car. 2. cap. 9. And *Prohibition* out of the King's Court to a Court-Christian, or to an inferior temporal Court.

*Inhoc*, This Word was neither interpreted nor mentioned in any Glossary before the Edition of Mr. *Kennet's Parochial Antiquities*. It properly signifies, any Corner or Out-part of a common Field ploughed up and sowed (commonly with Oats or Tares) and sometimes fenced off with a dry foot Hedge, within that Year wherein the Rest of the same Field lies fallow and common. It is now called in the North an *Intock*, and in *Oxfordshire* a *Hitchinne*, or *Hitching*. It seems derived from Saxon *Inge*, a Field or Meadow, or rather from *inne* within, and *hoke* a Corner or Nook. The Making of such *Inhoke*, or separate Inclosure by any one Lord or Tenant, was a Prejudice to all who had a Right of Common.

*Frater Walterus Prior Berencestria fieri fecit quoddam Inhoc in campo avarabili utriusque Ernicote in Muclecroft, sub curia ejusdem Prioris, per quod Abbas Ofen dicebat se de communi pastura ibidem disseisiri.*

*Paroch. Antiq.* pag. 297. *Noverit Universitas vestra nos fecisse quoddam Inhocium in campo de Duntorp sine assensu & voluntate Prioris & Conventus de Cold Norton.* unde quorundam fratrum & aliorum Amicorum freti consilio predictum Inhocium volunt depascere. b. p. 298. This *Trespass* or *Encroachment* was expressly prohibited in some Charters.

*—bac ratione quod Dominus bayam nec pasturam separabilem faciat ab hominibus infra campum warestabilem.* Ibid. pag. 496. And therefore no such *Hitchinne* is now made without the joint Consent of all the Commoners, who in most Places have their Share by Lot in the Benefit of it. Except in some Manors where the Lord has a special Privilege of so doing. See Mr. *Kennet's Glossary*.

*Injunction*, *Injunctio*, Is a Writ grounded upon an interlocutory Order in Chancery; sometimes to give Possession to the Plaintiff, for want of the Defendant's Appearance; sometimes to the King's ordinary Court, and sometimes to the Court-Christian, to stay Proceedings in a Cause upon Suggestion made, that the Rigour of the Law, if it take Place, is against Equity and Conscience in that Case. See *West. Symb.* part 2. Tit. *Proceedings in Chancery*. sect. 25.

*Inwardus* (*Inwardus*) Alii homines non habentes integras masuras inveniebant Inwardos ad Aulam, quando Rex erat in Civitate Heref. *Domesday*, Tit. Heref.

*Inlagary* or *Inlagation* (*Inlagatio*) Is a Restitution of one outlawed, to the Protection of the Law, or to the Benefit or Liberty of a Subject.

From the Sax. *Inlagiam*, i. e. *Inlagare*. *Et seipsum legis patrocinii adeo capacem reddat, ut compensationem admittatur.* LL. *Canuti Reg.* cap. 2.

*Inlagare*, To restore to the Benefit of Law.—*Edgarus puer veniens ad eum a Scotia, Rex eum inlagavit & omnes homines suos.* *Annal. Waverl.* sub anno 1074.

*Inlagh* or *Inlaugh*, *Inlagatus*, vel homo sub lege, signifies him that is in some Frank-pledge, and not outlawed, of whom take *Bracton's Words*. Lib. 3. *Tract.* 2. cap. 11. *Minor vero, & qui infra atatem duodecim annorum fuerit, utlagari non potest nec extra legem poni; quia ante talem atatem non est sub lege aliqua nec in decenna, non magis quam femina, que utlagari non potest, quia ipsa non est sub lege, i. Inlaugh Anglice, sc. in franco plegio sive decenna sicut masculus duodecim annorum & ulterius, &c.* *Inlaughe* significat hominem subiectum legi. *Fleta*, lib. 1. cap. 47.

*Inland*, *Inlandum*, *Terra Dominicalis*, *Parva Manerii Dominica*, terra interier; For that which was let out to Tenants was called *Utlend*. In the Testament of *Britbericus*, in *Itinerar. Kantii*; thus, *To Wulfege, that Inland, to Ælfege that Utlend, i. e. Lego terras Dominicales Wulfege, Tenementales Ælfege.* Thus Englished by *Lambard*, *To Wulfee* (I give) the *Inland* or *Demeans*, and to *Elfey* the *Outland* or *Tenancy*. *Ex dono Will. de Eston* 50. *Acras de Inlanda sua.* *Rot. Chart.* 16 Hen. 3. m. 6. This Word is often found in *Domesday*. The Saxon *Tbanes*, who possessed *Boeland* or hereditary Lands divided them according to the Proportion of their Estates into two Sorts, *Inland* and *Outland*. The *Inland* was that which lay next or most convenient for the Lord's Mansion-House, as within the View thereof, and therefore they kept that Part in their own Hands for Supportation of their Family, and Hospitality. The Normans afterwards called these Lands *terras Dominicales*, the *Demens* or Lord's Lands: The Germans *terras indominicatas*: The Feudists *terras curias ac intra curtem*, Lands appropriated to the Court or House of the Lord. See Mr. *Kennet's Glossary* in *Inlands*.

*Inland-tithe*, — *Johannes Ingleby Prior domus Jesu de Bethlem de Shene & ejusdem loci Conventus, Patroni Ecclesie parochialis de Middleton Chenday in Com. Northampton, concedunt Jacobo Benett diste Ecclesie Rectori omnes decimas.* — *in granis, videlicet, hanc decimam que mihi vulgariter nuncupatur Inland-tithe cum suis pertinentiis, sique sunt.* — *Dat. ultimo die Junii 1479.* *Ex Memorandis Thomæ Rotherham Episcopi Linc.* MS. f. 14.

*Inlantal*, *Inlantal*, *Demesne* or *In-land*, to which was opposed *Delantal*. Land tenanted or *Outland*. — *Abbat & Conventus Glasston. concesserunt vicario de Sappiwike decimas bladi omnium crostarum tunc existentium, duntaxat que non sunt Inlantal in tota parochia de Sappiwike, eo quod omnes he croste sunt Delantal.* *Chartular. Abbat. Glasston.* MS. f. 115. b.

*Inleated*, From the French *Enlasi*, intangled or insnared; the Word we may read in the *Champion's Oath.* *Co. Inst.* 2. par. fol. 247.

*Inlegiare*: When a Delinquent has satisfied the Law, and is again restus in curia, he is said *se inlegiare*. *Sunt alia quedam placita Christianitatis in quibus Rex partem habet hoc modo. Si Rex patitur ut qui in Ecclesia fecerit homicidium, ad emendationem veniet, primo Episcopo & Regi pretium: natiuitatis sue reddat, & ita se inlegiet, deinde componat de pace Ecclesie 5 Lib. &c.* *Leg. Hen.* 1. cap. 11.

*Inmates*,

**Inmates** Be those that are admitted to dwell for their Money jointly with another Man, tho' in several Rooms of his Mansion-house, passing in and out by one Door, and not being able to maintain themselves; which are inquirable in a Lect. *Kitchin, fol. 45.* where you may read who are properly *Inmates*, and who not, in Intendment of Law.

**Inns of Court, Hospitii Curia,** Are so called, because the Students therein do study the Law, to enable them to practise in the Courts of Westminster, or elsewhere; and also because they use all other gentle Exercises, as may make them more servicable to the King in his Court. *Forbes, cap. 49.* Of these there are four well known, viz. The Middle Temple, Inner Temple, Lincoln's-Inn and Grays-Inn, which with the two Serjeants-Inns, and eight Inns of Chancery (as Sir Edward Coke says) make the most famous University for the Profession of Law only, or of any one human Science in the World; concerning which, see *Dugdale's Origines Judiciales.*

**Inn, Hospitium,** Common Inns are instituted for Passengers; for the proper Latin Word is *Diverserium*, because he that lodgeth there is quasi diversens se a via; and therefore if a Neighbour which is not a Traveller, as a Friend at the Request of the Inn-keeper lodge there, and his Goods are stolen, he shall not have an Action, for the Writ is *Hospitandos homines per partes, ubi hujusmodi hospitia existunt transientes & in eisdem hospites.* Co. 8 Rep. *Cayle's Case*: Neither shall the Inn-keeper answer for any Thing that is out of his Inn, but only for such Things as are infra hospitium; the Words are eorum bona & catalla infra hospitia illa existentia. Any Person found tippling in any Inn or Ale-house, shall be adjudged within the Statute against Drunkenness, 21 Jac. and 1 Car. 1. cap. 4.

**Innamum for Namium, i. e. A Pledge.** Innama non capiantur nisi per communem assensum. Du Cange.

**Innaturalitas, Unnatural Usage.** Et ibidem Imperator coram omni populo congregato ostendit & notificavit omnibus innaturalitatem & inobedientiam ac improbitatem, quam Rex Francia ei fecerat, & ibidem Regem Francia diffidabat, &c. Hen. de Knyghton, in Edw. 3. p. 2572.

**Innings,** Lands recovered from the Sea by draining and braking. As in Romney Marsh, old Records make Mention of the Innings of Archbishop Becket, Baldwine, Boniface, and Beckham. At this Day Elderton's Innings, &c.

**Innonia, An Inclosure:** From the Saxon *Innan, intus.* In an ancient Charter mentioned in *Spelman's Glossary* we read; *Sciatis me concessisse totum illud Messuagium in Baron Benedich, & unum Croftum & duas Innonias aut inclosures, vocat. inbolmes, &c.*

**Innotescimus,** Letters Patent so called, which are always of a Charter of Feoffment, or some other Instrument not of Record; and so called from the Words in the Conclusion; *Innotescimus per presentes.* An *Innotescimus* and *Vidimus* are all one. See *Page's Case, 5 Rep.*

**Innuendo,** From *Inuo,* To beck or nod with the Head, is a Word frequently used in Writs, Declarations and Pleadings, and the Office of it is only to declare and ascertain the Person or Thing which was named or left doubtful before; as to say, He (*innuendo*, the Plaintiff) is a Thief, where there was Mention before of another Per-

son; but this *innuendo* must neither enlarge the Sense of the Words, nor make a Supply, or alter the Case where the Words are defective. See *Hutton's Rep. fol. 44.*

**Innoxiare,** To clear one of a Fault, and make him innocent: *Si quis furem innoxiare velit unum dretum in vadio ponat.* Leges Ethelredi, cap. 10. apud Brompton.

**Inoperatio** Is one of the lawful Excuses to exempt a Man from appearing in Court. In Leg. H. 1. cap. 61. *Cause qua ad excusationem sufficiunt, &c. hoc est, vel infirmitatis, vel domini necessitatis, vel contramandationis, vel Regis implacitationis, vel Inoperationis causa,* that is, on the Days in which all Pleadings are to cease, or in diebus non juridicis.

**Inordinatus** Is one who dies intestate: 'Tis mentioned in *Matt. Westm. 1246.* and in *W. Tyrus. Lib. 12. cap. 25. viz. Ordinatus vel inordinatus, quod nos sine lingua dicimus, obierit.*

**Inpeny and Outpeny,** In the Register of the Priory of Cokesford, pag. 25. Thus, *De Inpeny & Outpeny consuetudo talis est in Villa de East Radham, de omnibus terris qua infra Burgagium tenentur; viz. Quod ipse, qui vendiderit vel dederit dictam tenuram alicui, dabit pro exitu suo de eadem tenura unum denarium, & simile pro ingressu alterius. Et si predicti Denarii aretro fuerint, Ballivus domini distringet pro eisdem denariis in eadem tenura.* These Words and Custom are also mentioned in the Rolls of a Court there held, about the Feast of Epiphany, Anno 12 Rich. 3. Spelm.

**Inquisit, Adherents or Accomplices.** Sciatis quod recepimus in gratiam nostram Gilbertum Marechallum, & omnes qui fuerunt Impristii Richardi Marechalli. Claus. 18 H. 3. in Brady Hist. Engl. Append. p. 180.

**Inquirendo** Is an Authority given to a Person or Persons, to enquire into something for the King's Advantage, which, in what Cases it lieth, see *Reg. Orig. fol. 72, 85, 124, 265, 266, 267.*

**Inquisition, Inquisitio,** Is a Manner of Proceeding in Matters Criminal, by the Office of the Judge, or by the great Inquest before Justices in Eyre. See *Eyre*, and the Places in *Bracton* and *Britton* there quoted. *Hostenis* defines it thus, *Inquisitio nihil aliud est quam alicujus criminis manifesti ex bono & equo judicis competentis canonice facta investigatio. ca. qualiter de accusat.* in the *Decretals.* *Inquisition* is also with us used for the King in temporal Causes and Profits, in which Kind it is confounded with Office. *Staundf. Praerog. fol. 51.* See Office.

**Inquisitores, Inquisitores,** are Sheriffs, Coroners, super visum corporis or the like, who have Power to inquire into certain Cases. Statute of *Marlbridge, cap. 18.* *Britton, fol. 4.* and *Westm. 1.* Enquirors or Inquistors are included under the Name of *Ministri. 2 Par. Inf. fol. 211.*

**Enrollment, Irrotulatio,** Is the Registering, Recording, or Entering of any lawful Act in the Rolls of the Chancery, as a Recognizance acknowledged, or a Statute, or a Fine levied, or in the Rolls of the Exchequer, King's Bench, or Common Pleas, or in the *Hustings* of London, or by the Clerk of the Peace in any County, as a Statute or Recognizance acknowledged, or a Deed of Purchase enrolled. See *West. Symbol. part 2. Tit. Fines, sect. 133.* and 27 H. 8. 16.



**Inscriptiones** Were those written Instruments of Charters by which any Thing was granted. *In Conc. Cloveshoe Anno 800. His dictis prolata sunt Inscriptiones Monasterii, &c. terrarumque sibi adjacentium.*

**Insecutor**, A Prosecutor or Adversary at Law. — *Quod etiam ejus Insecutores paroo post tempore duraverunt, imo dira morte perierunt. Paroch. Antiq. p. 388.*

**Inseruire**, To reduce to Servitude. *Si ingenuus ancillam uxorem ceperit, & si ipsa postea fuerit Inservita. Du Cango. So Inservire tenementa is to subject them to Services. Bracton, cap. 54.*

**Insetena**, (Sax.) An Inditch. *Item ordinaverunt quod Qualibet acra pro Wallis, Insetenis & Watergangiis emendetur pro 40 sol. Ordinatio Romeneiensis Marisci, p. 73.*

**Institoz**, The same with *Vigilia* or *Excubie*. *Fleta, lib. 2. cap. 4. par. 3. Insidias autem nocturnas non tenetur facere, sed singulis noctibus in crepusculo Insidias assidebit, &c.*

**Institutores** viarum, Waylayers, or such as lie in wait, are Words which by 4 H. 4. cap. 2. are not to be put in Indictments, Arraignments, Appeals, &c.

**Insilium**, Ill Advice, or pernicious Counsel. *Rex Danorum Swannus per insilium, in curiam & traditionem Normannici Comititis. — civitatem Excestram infregit, spoliavit, &c. multaque Regi insilia adversus Anglos dederunt. Sim. Dunelm. sub anno 1003. whence Insiliarius, an evil Counsellor. Filius Regis Aethenulphi cum omnibus suis consiliariis imo insiliariis, tantum facinus perpetrare ausi sunt, ut Regem a regno proprio repellerent. Flor. wigorn. sub anno 855.*

**Insilium tenuit** Is one Species of the Writ called a *Formedon*. See *Formedon*.

**Insinuation**, *Insinuatio*, 21 H. 8. 5. Is a Covert, and cunning creeping into a Man's Favour. *Insinuation of a Will is, among the Civilians, the first Production of it, or the Leaving it Penes Registrarium, in order to its Probate.*

**Inspeximus**, Letters Patent so called, and is the same with *Exemplification*, which begins thus, *Rex omnibus, &c. Inspeximus irrotulamentum quadrund. literarum Patent. &c.* It is called *Inspeximus* because it begins after the King's Title, with this Word *Inspeximus*. See *Page's Case*, 5 Rep.

**Instituent**, A Settlement, or sure Placing in, 20 Car. 2. cap. 2. Sometimes it is confounded with *Abatement*.

**Instant**, In Latin, *Instant*, and defined by the Logicians to be *Unum indivisibile in Tempore, quod non est Tempus, nec pars temporis, ad quod tamen partes temporis copulantur*, and is much considered in Law; and though it cannot be actually divided, yet in Conceit it may, and applied to several Purposes, as if they were several Times. Whereof see in *Plowden's Commentaries*, *Fulmerston* and *Stuard's Case*, where the Statute of 31 H. 8. is expounded concerning an Abbot's letting of Lands, &c. and there it is debated, That when the Termor takes the second Lease, he surrenders his former Term; and so at the same *Instant* of taking the second Lease, the former is expired. And in the Case between *Petit* and *Hales*, he who kills himself, commits not Felony till he be dead, and when dead he is not in Being, so as to be termed a Felon; but he is so adjudged in Law *eo instante*, at the very *Instant* of this Fact doing; and there are many other Causes in Law, where the *Instant*

Time, that is not dividable in Nature, in the Consideration of the Mind is divided.

**Instaurum** Is used in ancient Deeds for a Stock of Cattle. *Item Manerium illud nullum potest sustinere Instaurum, quia nullum habet pratum. Mon. Angl. 1 part. f. 548. b. We read also in the same Sense Staurum, Instauramentum, properly young Beasts, Store or Breed. — Et de Instauramento tria jumenta, i. e. three store Cattle. Paroch. Antiq. p. 288. Instaurum was commonly used for the whole Stock upon a Farm, Cattle, Waggon, Ploughs, and all other Implements of Husbandry.*

— *Inquirere debet de instauo in quolibet manerio existente. Fleta, lib. 2. cap. 72. sect. 7. So Instaurum Ecclesie is used for the Books, Plate, Vestments, and all other Utensils belonging to a Church, by the Synod of Exeter, Anno 1287. can. 12. 44. 53. So terra instaurata was Land ready stocked, or furnished with all Things necessary to carry on the Use or Occupation of a Farm. As in the Magna Charta of King John, Anno 1215. Et reddat hereditum ad plenam atatem venerit, terram suam instauratam de carucis & omnibus aliis rebus. Instauratio in our Historians and MS. is taken in the same Sense as Instaurum.*

**Instirpare**, i. e. To plant or establish: *Non securum est gentem externam & turbidam Instirpare. Brompton. pag. 935.*

**Institution**, *Institutio*, Is, when the Bishop says to a Clerk who is presented to a Benefice, *Instituto te Rectorem talis Ecclesie cum cura animarum, & accipe curam tuam & meam.* Every Rectory consists of a Spirituality and Temporality. As to the Spirituality, viz. *Cura animarum*, he is a compleat Person by Institution. But as to the Temporalities, as Glebe-land, &c. he has no Frank-tenement therein till Induction. Co. 4 Rep. Digby's Case. The first Beginning of Institutions to Benefices was in a National Synod held at Westminster by John de Crema, the Pope's Legate, Anno 1124. Which see in Seldon's History of Tithes, pag. 375.

**Insuper** Is a Word used by Auditors in their Accounts in the Exchequer, when they say so much remains *insuper* to such an Accountant, that is, so much remains due upon such an Account. Anno 21 Jac. cap. 2.

**Intakers** Were a Sort of Thieves in *Riddefdale*, in the farthest northern Parts of England, mentioned 9 H. 5. cap. 8. and so called, because they dwelling within the Liberty, did take in and receive such Booties of Cattle, and other Things, as their Confederates the Outpartners brought in to them from the Borders of Scotland. See *Outpartners*.

**Intallare**. See *Tassum*.

**Intendunt of Law**, *Intellectus Legis*, The Understanding, Intention, and true Meaning of Law. Co. on Litt. fol. 78. says, The Judges ought to judge according to the common Intendment of Law.

**Intension** Is a Writ that lies against him that enters after the Death of Tenant in Dower, or other Tenant for Life, and holds out him in the Reversion or Remainder; For which see F. N. B. fol. 203. And every Entry upon the Possession of the King is called an *Intension*; as where the Heir of the King's Tenant enters after Office, and before Livery, this is called an *Intension* upon the King, as appears in Staundf. Prerog. fol. 40. &c.

**Inter Canem & Lupum.** *M. filia N. de Okele appellat J. C. pro rapin & pace Regis fracta die Martis prox. &c. Inter Canem & Lupum, i. in crepusculo, scilicet, Anglice Twilight, i. inter diem & noctem, &c. Inter placita de Trin. 7 E. 1. Rot. 12 Glouc.*—*In placit. de domo combusta malitiose, hora vespertina, sc. Inter Canem & Lupum venerunt malefactores, &c. Plac. Cor. apud Novum Castrum. 24 E. 1. Rot. 6.* This in Herefordshire, they call the *Mock Shadow*, corruptly the *Mock Shade*; and in the North, *Day-light's Gate*, others betwixt *Hawk and Buzzard*.

**Inter-commoning** Is where the Commons of two Manors lie together, and the Inhabitants of both have Time out of Mind depastured their Cattle promiscuously in each.

**Interdicted of Water and Fire Were**, in old Time, those who for some Crime were banished; by which Judgment, tho' not by express Sentence pronounced, yet by giving Order that no Man should receive them into his House, but deny *Fire and Water*; they were condemned, as it were, to a civil Death; and this was called *Legitimum exilium*. *Livy.*

**Interdiction**, (*Interdictio*, and *Interdictum*) has the same Signification in the Common, as it hath in the Canon Law, which thus defines it: *Interdictio est censura Ecclesiastica prohibens administrationem divinorum.* And so it is used *22 Hen. 8. cap. 12. & 25 ejusdem, cap. 23. Eodem Anno relaxatum est Interdictum Oxonie, quod autoritate Domini Joh. Episcopi Linc. propter Clericidium & sacrilegia Anno proximo praterito fuit illatum.* *Wals. Hist. Anno 1357.* So that an *Interdict* is a general Excommunication of a whole Country or Province: 'Tis mentioned in some of our Historians, viz. *Knighton* tells us, *Anno 1208*, That the Pope excommunicated *King John*, and all his Adherents, *Et totam terram Anglicanam supposuit interdicto*, which began the first Sunday after *Easter*, and continued six Years and one Month, during all which Time nothing was done in the Churches besides Baptism and Confessions of dying People: The Form of it is thus:

" In the Name of Christ, We (the Bishop) in  
" the behalf of the Father, Son, and Holy Ghost,  
" and in behalf of St. Peter, the Chief of the  
" Apostles, and in our own Behalf, do excom-  
" municate and interdict this Church, and all the  
" Chapels thereunto belonging, that no Man  
" from henceforth may have Leave either of  
" God, or St. Peter, the Chief of the Apostles,  
" to sing Mass, or to hear it, or in any wise to  
" administer any Divine Office, nor to receive  
" God's Tithes without our Leave. And who-  
" ever shall presume to sing or hear Mass, or per-  
" form any divine Office, or receive God's  
" Tithes, contrary to this Interdict, on the Part  
" of God the Father Almighty, and of the Son,  
" and of the Holy Ghost; and on the Behalf  
" of St. Peter, and all the Saints, let him be  
" excommunicated and accursed, and separated  
" from all Christian Society, and from entering  
" into Holy Mother Church, where there is  
" Forgiveness of Sins; and let him be *Anathe-  
" ma maran atha* for ever with the Devils in  
" Hell. *Fiat, Fiat, Fiat. Amen. Du Cange.*

**Interesse**, Interest of Money, as distinguished from the Principal.—*Socii Mercatores Senenses trahunt Elyensem Episcopum in causam coram Magistro Alexandro de Erentya Judice a Domino Papa Delegato, super trecentis marcis de sorte, & centum*

*marcis de interesse. 40 H. 3. Prynnne Collect. tom. 2. pag. 360.*

**Interest**, *Interesse*, Is usually taken for a Term, or Chattels real, and more particularly for a future Term; in which Case, it is said in Pleading. That he is possessed de *interesse termini*: But ex vi *Termini* in a legal Sense, it extends to *Estates*, Right and Titles that a Man hath of, in, or to, or out of Lands; for he is truly said to have an Interest in them. *Co. on Lit. fol. 345.*

**Interlocutory Order**, *Ordo interlocutorius*, Is that which decides not the Cause, but only settles some intervening Matter relating to the Cause; as where an Order is made, by Motion in Chancery, for the Plaintiff to have an Injunction to quiet his Possession, till the Hearing of the Cause. This, or any such Order, not being final, is *Interlocutory*.

**Interpleader.** See *Enterpleader*.

**Intertiar, i. e.** To Sequester or put in a third Hand, viz. When any Thing is stolen, and sold to another, and afterwards demanded by the right Owner of him in whose Possession 'tis found; it was usual to sequester the Thing to a third Person, who was to keep it till the Buyer produced the Seller, and so on to the Thief. *Leg. Ine apud Brompton. cap. 27. 52. 29. Leg. Edw. Confessor. cap. 25.*

**Intestate**, *Intestati*, There are two Kinds of *Intestates*, one that makes no Will at all; another that makes a Will, and nominates Executors, but they refuse; in which Case he dies as an *Intestate*, and the Ordinary commits Administration. *2 par. Inst. fol. 397.* See the Stat. *22 & 23 Car. 2. cap. 5.*

In former Times, he who died *Intestate* was accounted damned, because (as *Matt. Paris* tells us) he was obliged by the Canons, to leave at least a tenth Part of his Goods to pious Uses, for the Redemption of his Soul, and therefore, who neglected so to do, took no Care of his own Salvation; they made no Difference between a *Suicide* and an *Intestate*, for as in the one Case, the Goods were forfeited to the King, so in the other they were forfeited to the Chief Lord.

But because it was accounted a very wicked Thing to die without making any Distribution of his Goods to pious Uses, and such Cases often happened by sudden Deaths, therefore by subsequent Constitutions, the Bishops had Power to make such Distribution as the *Intestate* himself was bound to do, and this was called *Eleemosynarationabilis*. Thus in *Matt. Paris*, *Anno 1190.* we read, *Si quis subitanea morte vel quolibet casu praecipatus fuisset ut de rebus suis disponere non posset, distributio bonorum ejus Ecclesiastica sebat autoritate*: And it was by this Means that the Spiritual Courts came first to have Jurisdiction in testamentary Cases.

**Intingit.** See *Wealtaf*.

**Intiertie.** See *Entierty*.

**Intol & Utol**, Toll or Custom paid for Things imported and exported, or bought in, and sold out. In the Charter of *Hen. 1.* to the Church of St. Peter in York—*habebant Canonici in domibus & terris suis foccam & saccam tol & theam intol & utol & Infangentheof, &c. MS.*

**Intrare mariscum**, To drain any low wet Marsh or Bog, and by Dikes, Walls, &c. to reduce it to herbage or pasture Ground, to *inne* or take in. Whence many of the lowest Grounds in *Romney Marsh*, are called the *Innings*. *Vide Will. Thorn. sub anno 1281. Intrare terram*, to inn Ground from the Sea.

**Intrusion**,

**Intrusion, Intruso,** Is when the Ancestor dies seized of any Estate of Inheritance, expectant upon an Estate for Life; and then Tenant for Life dies, between whose Death, and the Entry of the Heir, a Stranger doth interpose and intrude. *Co. on Lit. fol. 277. lib. 3. cap. 8. sect. 475. Bratton, lib. 4. cap. 2.* to the same Purpose defines it thus, *Intrusio est ubi quis, cui nullum jus competit in re nec sintilla juris, possessionem vacuum ingreditur, qua nec animo nec corpore possidetur, &c.* with whom agreeth *Fleta, l. 4. c. 30. sect. 1 & 2. Britton, c. 65.* The New Book of Entries, verbo *Entrusion.* See *Entrusion.* See *Disseisin.* See also *Abatement*, and the *Stat. 21 Jac. cap. 14.*

**Intrusione.** Is a Writ that lies against the Intruder. *Regist. fol. 233.*

**Inviaditare.** To engage Lands, to mortgage. — *habenda sibi & heredibus — & cuicumque dare, vendere, inviadare, assignare, &c. voluerint.* Paroch. Antiq. p. 262.

**Inviadationes, Mortgages or Pledges, Confirmamus eis omnes alias donationes, venditiones & inviadationes rationabiliter factas.** Mon. Angl. 1 par. fol. 478.

**Inviadatus** Is when one has been accused of some Crime, which being not fully proved, he is put sub debita fidejussione.

**Invasione.** In the Inquisition of Serjeancies and Knights Fees in the 12 and 13 Years of King John, there be some Titles under the Character of *Invasiones*: And de *Invasionibus*, and *Invasiones super Regem.*

**Inventiones, Treasure-trove, Money or Goods found by any Person, and not challenged by any Owner, which therefore by Common Law was due to the King, who granted the Privilege to some particular Subjects. As King Edw. 1. granted to his Barons of the Cinque Ports — quod habeant inventiones suas in mari & in terra. — Placit. temp. Edw. 1. & Edw. 2. MS. f. 89.**

**Inventario, Inventorium,** Is a Description or Report, orderly made of all dead Mens Goods and Chattels, prised by four or more credible Men; which every Executor or Administrator is bound to exhibit to the Ordinary at such Times as he shall appoint. *West. Symbol. part 1. lib. 2. sect. 696.* where likewise you may see the Form. This Inventory proceeds from the Civil Law, for whereas by the ancient Law of the Romans, the Heir was obliged to answer all the Testator's Debts, by which means Heritages were more prejudicial to many than profitable; Justinian, to encourage Men the better to take upon them this charitable Office, ordained, that if the Heir would make and exhibit a true Inventory of all the Testator's Goods coming to his Hands, he should be no further charged than to the Value of the Inventory. *Lib. ult. Cod. de jure deliberando, &c.*

**In ventre sa mere, French,** in the Mother's Belly: Is a Writ mentioned in the Register; and *Anno 12 Car. 1. cap. 24.*

**Invest, Investire,** Is derived of the French Word *Investir*, and signifies to give Possession. *Hotoman de verbis feudalibus, verbo Investitura: Investitura barbarum nomen, barbaricam quoque rationem habet, nam ut ait feudista. lib. 2. tit. 2. Investitura proprie dicitur quando hasta vel aliquod corporeum traditur a domino.* We use likewise to invest the Tenants, by delivering them a Verge or Rod in their Hands, and ministering them an Oath, which is called *Investing.* Others define it thus, *Investitura est in*

*sum jus alienius introductio*, a giving Livery of Seisin or Possession. In the Church it was the Custom of old for Princes to promote such as they liked to Ecclesiastical Benefices, and declare their Choice, and the Promotion of the Persons chosen, by Delivery of a Pastoral Staff and Ring, which was termed *Investing*; after which they were consecrated by Ecclesiastical Persons.

At first *Investitures* were made by a Form of Words, afterwards by such Things which had most Resemblance to what was to be transferred; as Land passed by the Delivery of a Turf; and that the Trees and all which did grow on the Land might likewise be transferred at the same Time, it was usual to cut a Bough, which was delivered by the Grantor, to the Person to whom the Land was granted.

But in after Ages, the Things by which *Investitures* were made, were not so exactly observed: This appears by *Ingulphus, pag. 901. viz. Conferantur etiam primo multa pradia nudo verbo, absque scripto vel Charta, tantum cum Domini gladio, galea vel cornu vel cratera, & plurima tenementa cum calcari, cum strigili, cum arca, & nonnulla cum Sagitta.*

*Hoveden, pag. 724.* Tells us, That our King Richard, being taken by the Emperor, gave this Kingdom to him, and *investiit eum inde per pileum suum*, and that the Emperor immediately afterwards returned the Gift: *Et investiit eum per duplicem crucem de auro.*

*Walsingham* also mentions, That John Duke of Lancaster was made Duke of Aquitain, *per virgam & pileum. pag. 343.* And *Simeon of Durham. lib. 3. De Ecclesia Dunelm. cap. 14.* writes, *viz. In cujus donationis signum etiam scyphum argenteum obtulit, qui in hac Ecclesia servatus aeternam illius facti memoriam retinet.*

**Investiture,** The Customs and Ceremonies of *Investiture* or giving Possession, were long practised with great Variety, and singular Oddness. Observe this Form of *investing* a Canon in the Cathedral Church of St. Paul in the Time of Ralph Baldock, Dean about the Year 1295. *Cum fuerit quisquam prebenda investendus — induatur habitu Canonico & coram Decano & fratribus in Capitulo se presentet, & pane albo suspecto Regule Canonice in hoc volumine contenta, investiat eum Decanus vel Major presens Decano absente, Dicendo, Nos recipimus te in Canonicum & fratrem, & tradimus tibi regularis observantie formam in volumine isto contentam pro cibo spirituali, & in remedium laboris refectorem in pane corporealem. Panis autem ille committatur Elemosynario ad usus Pauperum. — Ex Libro Statutorum Ecclesie Pauline MS. penes Joh. Epum Norwic.*

**Invitatoria,** Those Hymns and Psalms that were sung in the Church to invite the People to Praise God. As *Venite Exultemus Domino, Jubilate Deo, &c.* In the Statutes of the Church of St. Paul in London, it was ordained, *ut vicarii de novo recepti, & in posterum recipiendi, singulis diebus infra annum probationis sue unum nocturnum Psalterii ita dicant attente & Impnarium ac communem Sanctorum Historiam, Invitatoria, & Venitarium adeo diligenter interea repetant quod ea corde tenus, &c.* Liber Statutorum Ecclesie Pauline MS. penes Joh. Epum Norwic.

**Invoyce,** 12 Car. 2. cap. 34. Is a Particular of the Value, Custom and Charges of any Goods sent by a Merchant in another Man's Ship, and

consigned to a Factor or Correspondent in another Country.

**Inure** Signifies to take Effect, as the Pardon *inureth*. *Staund. prer. fol. 40.* See *Enure*.

**Inbber** Is used for one that buys or sells Cattle for others. *Stat. 22 & 23 Car. 2.*

**Jocalia**, (Fr. *Joyaux*.) Jewels. Edward the First employed one *Andewar*, ad *Jocalia sua impignoranda*. *Clauſ. 29 Edw. 1.* *Præterea considerantes gratam subventionem, quam præfati Abbas & Monachi (Rading) nobis fecerunt de magnis & preciosis Jocalibus ac aliis rebus suis in subsidium expensarum & sumptuum, quos circa præfens passagium nostrum versus partes transmarinas, &c.* In *Mem. Scac. de Anno 20 Edw. 3. Trin. Rot. 3.* The Word is derived from the Lat. *Focus*, *Foculus*, and *Focula*, which seems to comprehend every Thing that delights us; but in a more restrained Sense, to those Things which are Ornaments to Women, and which in France they call their own, as Ear-Rings, Bracelets, &c. But *Du Fresne* tells us, that at *Arragon*, in Spain, the Question was, whether a Woman's Cloaths would pass by the Devise of her Jewels? And that the Judge upon great Deliberation, and consulting with others, was Opinion they did not pass.

**Jocant**, i. e. To contend with Pikes. *Craftino die quidam milites Anglici strenue nimis & viriliter Jocabantur.* *Mat. Paris. Anno 1252.*

**Jocarius**, A Jester. In a Decree of *Richard*, Abbot of *Bernay*, to *Henry Lovet*, sine dat. among the Witnesses to it was *Wilhelmo tunc Jocariorum Domini Abbatis*. But in *Domesday* 'tis said *Berdic* was *Joculator Regis*, the King's Jester.

**Joclet**, (Sax.) *Pradiolum*, agri colendi portuicula. A little Farm or Manor, in some Parts of Kent a *Yoklet*, as requiring but a small Yoke of Oxen to till it. *Sax. Diſt.*

**Jocus partitus**. 'Tis so called when two Proposals are made, and a Man hath Liberty to choose which he will. *Nec potest transigere, nec pacisci, nec Jocum partitum facere, nec aliud.* *Bracton, lib. 4. tract. 1. cap. 32. par. 2.* *Etiam si apparentibus partibus querulatur & respondeatur, sive loquela per non tenuram vel per quemcunque Bipertiti Jocum cavilleter, &c.* *Hengham Magn. cap. 4.*

**Joinder** Is the coupling or joining of Two in a Suit or Action against another. *F. N. B. fol. 118, 201, 221.* and in many other Places, as appeareth in the *Index, verbo Joinder*.

**Joining of Issue**, *Functio Exitus*. See *Issue*.

**Joint-tenants**, *Simul tenentes*, or *qui conjunctim tenent*, *Lib. Intrationum, Tit. Formedon in Vico, 3.* be those that come to, and hold Lands or Tenements by one Title *pro indiviso*, or without Partition. *Co. on Litt. lib. 3. cap. 3. sect. 277.* These are distinguished from sole or several Tenants, from *Parceners*, and from *Tenants* in common; and anciently they were called *Participes*, and not *Heredes*: And these must jointly implead, and jointly be impleaded by others, which properly is common between them and *Coparceners*; but *Joint-tenants* have a sole Quality of Survivorship, which *Coparceners* have not; for if there be two or three *Joint-tenants*, and one hath Issue and dies, then he or those *Joint-tenants*, that survive, shall have the Whole by Survivorship. See *Co. on Litt. ibid. sect. 180.* See more of this *Terms de la ley, verbo Joint-tenants*.

**Jointure**, *Functura*, Is a Covenant whereby the Husband, or some other Friend in his Behalf,

assureth unto his Wife, in respect of Marriage, Lands or Tenements for Term of Life, or otherwise. *West. Symbol. part 2. lib. 2. Tit. Covenants, Sect. 128. 27 H. 8. cap. 10.* It is so called either because granted *ratione juncture in matrimonio*, or because the Land in *Frank-marriage* is given jointly to the Husband and Wife, and after to the Heirs of their Bodies, whereby the Husband and Wife be made Joint-tenants, during the Coverture. *Co. lib. 3. Butler and Baker's Case, fol. 27.* See *Frank-marriage*. *Jointure* is also used as the Abstract of Joint-tenants. *Co. lib. 3. fol. 3.* *Marquess of Winchester's Case.* *Functura* is also by *Bracton* and *Fleta* used for joining of one Bargain to another. *Fleta, lib. 2. cap. 60.* And therefore *Jointure* in the first Signification may be so called, in respect that it is a Bargain of Livelihood for the Wife, adjoined to the Contract of Marriage. See also the *Terms of the Law, eodem verbo*.

**Joſtum**, *Gistum*. Agistment or commonly pronounced *Juicement*, feeding or pasturing of Cattel. — *Ego Thomas Gybylan, Capellanus Filius Philippi Fil. Osberti de S. Edmundo. — confirmavi Deo & beato Edmundo — totum jus & clameum meum quod unquam habui vel habere potui in herbagio & joſto in suburbio ville S. Edmundi, &c.* — *Cartular. S. Edmundi. MS. p. 242.*

**Joſton**. See *Jessen & Flotzon*.

**Journeys Accompts**, *Diete computate*, Is a Term in the Law, to be thus understood: If a Writ is abated without the Default of the Plaintiff or Demandant, but merely by Default of the Clerk, either for false Latin, Variance, or want of Form; or by Default of the Sheriff, as for want of a good Summons; in all these Cases the Plaintiff may purchase a new Writ, which if it be purchased by *Journeys Accompts*, that is, within as little Time as possible after the Abatement of the first Writ, (and the Space of fifteen Days has been held a convenient Time for the Purchase of it) then this second Writ shall be as a Continuance of the First. But where the first Writ abateth by the Default of the Demandant himself, as by mistaking the Name of the Tenant or of the Vill; or where it abateth for Non-tenure of the Whole; as it ought, because the first Writ was brought without any Manner of Cause; in all these Cases the Plaintiff shall not have a new Writ by *Journeys Accompts*. This Writ must be brought in the same Court where the first Writ was, and of the same Quantity in that Writ contained: It must be between those who are Parties to the First, as where one of the Plaintiffs or Defendants dies; but in no Case where there is but one Plaintiff: Nor will it lie except where the first Writ is served and returned on Record. *Vide Co. Rep. 6. fol. 9. Spencer's Case.*

**Journal**, A Diary or Day-Book. *Journals* of Parliaments are not Records, but only Remembrances: And are neither of Necessity, nor have been of long Continuance. See *Hub. Rep. fol. 109.*

**Journey-choppers**, 8 H. 6. 5. Were Regrators of Yarn; whence the first Part of the Word is derived, is somewhat obscure: But *Choppers* are to this Time known to be *Changers*: As to *Chop* and *Chauge* is a familiar Phrase. See *Chop-Chirch*.

**Journey-Man** Cometh of the French Word *Journee*, that is, a Day or Day's Work; so that properly



properly it is one that wrought with another by the Day, though now by the Statute made *Anno quinto Eliz. cap. 4.* it be extended to those likewise, that covenant to work with another in his Trade or Occupation by the Year.

*Irre ad largum.* To go at large, to escape, to be set at Liberty, is a Term frequent in the Law.

*Iron-moulds,* Yellow Lumps or Clods of Earth, or softer Stone, found amongst Chalk in most Pits among the *Chiltern* Parts of *Oxfordshire*, which are indeed a Sort of indigested Iron Oar.

*Irregularity, Irregularitas,* Disorder: In the Canon Law it is taken for an Impediment, which hinders a Man from taking Holy Orders; as if he be base born, notoriously defamed of any notable Crime, maimed, or much deformed, or has consented to procure another's Death, and the like.

*Irrepleviable or Irreplevitable,* That neither may nor ought to be replevied or set at large upon Sureties, as the Distress shall be irrepleviable. *13 E. 1. cap. 2.*

*Isca Canmoniozum, Excester.*

*Isca Flubius,* the River *Ex* in *Devonshire*.

*Isca Legio Augusta,* *Careleton* in *Monmouthshire*.

*Iscalis,* *Icheester.*

*Isinglass, Gluten Piscium,* A Kind of Fish-glue or Fish-gum brought from *Island*, and those Parts, and used in Medicines, and by some in the adulterating of Wines, but for that prohibited by a Statute made *12 Car. 2. c. 25.*

*Issue, Exitus,* Cometh of the French *Issuer*, i. emanare: It hath divers Applications in the Common Law, sometimes being used for the Children begotten between a Man and his Wife; sometimes for Profit growing from Amerciaments or Fines; and sometimes for Profits of Lands or Tenements. *West. 2. 13 Ed. 1. cap. 39.* Sometimes for that Point of Matter depending in Suit, whereupon the Parties join, and put their Cause to the Trial of the Jury: And yet in all these it hath but one Signification, which is an Effect of a Cause preceding, as the Children be the Effect of the Marriage between the Parents; the Profits growing to the King or Lord, from the Punishment of any Man's Offence, is the Effect of his Transgression; the Point referred to the Trial of Twelve Men, is the Effect of Pleading or Proccs. *Issue* in this Signification is either general or special; General *Issue* seemeth to be that whereby it is referred to the Jury, to bring in their Verdict, whether the Defendant have done any such Thing, as the Plaintiff layeth to his Charge. For Example, If it be an Offence against any Statute, and the Defendant plead *Not guilty*; this being put to the Jury, is called *The general Issue*. And if a Man complain of a private Wrong, which the Defendant denieth, and pleads no Wrong nor Disceisin; and this be referred to the Jury, it is likewise the general *Issue*. *Kitchin, fol. 225. See Doff. and Stud. fol. 158.* The special *Issue* then must be that, where special Matter being alledged by the Defendant for his Defence, both Parties join thereupon, and so go either to a Demurrer, if it be *questio juris*, or to Trial by the Jury, if it be *questio facti*, *4 H. 8. 3. 18 Eliz. cap. 12.* and the *New Book of Entries, verbo Issuc. See Exitus.*

*Isurium, Aldborough* in *Yorkshire*.

*Itinerant. Itinerans,* Travelling, or taking a Journey. Those were anciently called Justices *itinerant*, who were sent with a Commission into divers Counties to hear such Causes especially as were termed Pleas of the Crown, and the Journeys themselves were called *Iters*. See *Justices in Eyre*.

*Ituma,* The River *Eden* in *Cumberland*.

*Jubilee* Was first instituted by *Boniface VIII.* in the Year 1300. who granted a Plenary Indulgence and Remission of Sins to all those who should visit the Churches of *St. Peter* and *St. Paul* at *Rome* in that Year, and stay there fifteen Days: And this he ordered to be observed once in every Hundred Years, which *Clement VI.* reduced to fifty Years in the Year 1350. and to be held upon the Day of the Circumcision of our Saviour. *Urban* the IVth, in the Year 1389, reduced it to every thirty-three Years, that being the Age of our Saviour. And that every Age might partake of this Benefit, *Sixtus VI. Anno 1475.* reduced it to every twenty-five Years.

One of our Kings, viz. *Edward II.* caused his Birth-Day to be observed in the Nature of a *Jubilee*, when he was fifty Years old, and not before or after: And this he did by releasing Prisoners; by pardoning all Offences, except Treasons; and by making good Laws, and granting many Privileges to the People. And because when a *Jubilee* was first instituted, it was ordered to be observed every Hundred Years; therefore

*Jubileus* signified afterwards a Man One hundred Years old, and likewise a Possession or Prescription for Fifty Years. *Si ager non invenietur in scriptione inquiratur de senioribus, &c. & si sub certo Jubileo mansit, sine vituperatione maneat in eternum.* *Du Fresne.*

*Judaism,* (*Judaismus*,) the Custom, Religion, or Rites of the *Jews*: Also the Income heretofore accruing to the King from the *Jews*; for we find in several Charters, *Judaismum nostrum Anglia*. Also the Place or Street where the *Jews* live, as in *Histor. Oxon. fol. 132.* And *Vetus Judaismus* for the Old-Jury in *London*. The Word was often used by Way of Exception in old Deeds; as, *Sciant, Quod ego Rogerus de Morice dedi Willielmo Harding pro tribus marcis argenti, unum crostum, habendi de me & heredibus meis sibi & heredibus ejus, vel ejus assignatis & eorum heredibus cuicunque, quocunque vel quandocunque dictum Crostum dare, vendere, legare, invadiare, vel aliquo modo assignare voluerint, in quocunque statu fuerint, libere, quiete, integre, bene & in pace, excepta religione & Judaismo, &c. Sine dat.* The Statute de *Judaismo* was made *3 Ed. 1.* at which Parliament the King had a Fifteenth granted him *pro expulsione Judeorum*.

*Judaismus* was anciently used for a Mortgage. *Pro hac autem donatione dederunt mihi dicti Abbas & Canonici sex Marcas Sterl. ad acquietandam terram predictam de Judaismo, in quo fuit impignolata per Rob. fratrem meum, &c. Ex magno Rot. Pipz, de Anno 9 E. 2.*

Here in *England*, in former Times, the *Jews* and all their Goods belonged to the chief Lord where they lived; and he had such an absolute Property in them, that he might sell them; for they had not Liberty to remove to another Lord without Leave. This appears in *Mut. Paris. pag. 521,*

521, 606. where we read that Henry III. sold the Jews to Earl Richard his Brother for a certain Term of Years, that *quos Rex excoriaverat, Comes evisceraret.*

They were distinguished from the Christians both living and dying; for they had proper Judges and Courts, wherein their Causes were decided; and they wore a Badge on their outward Garments upon the Breast in the Shape of a Table, and were fined if they went abroad without such Badge. They were never buried in the Country, but brought up to London, and there buried without the Walls. But Henry I. gave Leave that they might be buried without the Walls of any other City.

*Judaismus* is also taken for the Mansion or Dwelling-place of the Jews in any Town; as *Wigorniam cepit & intravit, & Judaismus evertit.* Rishangor, pag. 668. And it sometimes signifies Usury: as, *Empta fuit grangia, &c. & Domus obligata in magnis debitis in Judaismo.* Mon. i Tom. p. 834.

*Judge* and *Judges*, *Judex* & *judices*, All their Commissions are bounded with this express Limitation, *Facturi quod ad justitiam pertinet secundum legem & consuetudinem Anglia.* The *Judge* at his Creation takes an Oath, That he shall indifferently minister Justice to all them that shall have any Suit or Plea before him, and this he shall not forbear to do, though the King by his Letters, or by express Word of Mouth, should command the Contrary, &c. It is a Maxim in the Law, *Aliquis non debet esse Judex in propria causa.* King Henry the Fourth, when his eldest Son the Prince was by the Lord Chief Justice, for some great Misdemeanors, committed to Prison, thanked God that he had a Son of that Obedience, and a *Judge* so impartial, and of such undaunted Courage; the Story is well known, and may be read at large both in *Stow* and *Daniel*, in *vita H. 5.* Fortescue in his Book *de Laudibus legum Anglia* 53. speaketh of a *Judge*, complaining of a Judgment given against a Gentlewoman of *Salisbury*, who being accused by her own Man, without any other Proof, for murdering her Husband, was thereupon condemned and burnt: The Man, who accused her, being within a Year after convicted for the same Offence, confessed, That his Mistress was altogether Innocent of that cruel Fact. But this *Judge* (as the same Author Adds) *sepius mihi fassus est, quod nunquam in vita sua animum ejus de hoc facto purgaret.* In *septimo H. 4.* the King demanded of *Gasfoigne* Justice, If he saw one in his Presence kill *J. S.* and another (which was not culpable) should be indicted of this before him, what he would do in this Case? To which he answered, That he ought to respite the Judgment against him, and to relate the Matter fully to the King to procure him a Pardon; for there he cannot acquit him, and give Judgment according to his private Knowledge. But where they have a judicial Knowledge, there they may and ought to give Judgment according to that. See the like Case determined by King *James*, in his Disputations at Oxford. *Rex Plat.* p. 109, 113, 114, 115. *Plow. f. 83.* *Partridge* against *Strange*.

*Judger*. In *Cheshire* to be *Judger* of a Town is to serve at the Lord's Court on the Jury. *Leicester's Anti.* f. 302.

*Judgment*, *Judicium*, *quasi juris dictum*, Is the Censure of the Judges so called, and is the very

Voice and final Doom of the Law; and therefore is always taken for unquestionable Truth. The ancient Words of Judgment are very significant, *viz. Consideratum est per curiam, &c.* because Judgment is or ought to be given by the Court, upon Consideration of the Record before them; and in every Judgment there ought to be three Persons, *viz. Actor, reus & Judex*: Of Judgments some be final, and some not final. See *Co. on Lit. f. 39.* and *Co. 9. Rep. Downam's Case.*

Judgment or Trial by the Holy Cross Was a Trial in Ecclesiastical Causes, in Use long since among our Saxons. See *Cressy's Church History* fol. 960.

*Judices fitiales*; So *Polydore Virgil* calls *Empson*, and *Dudley*, who were employed by *Hen. 7.* for taking the Benefit of Penal Statutes, and were put to Death by *Hen. 8.* See *Lord Herb. H. 8.* fol. 5, 6.

*Judicium Dei*, The Judgment of God, so our Ancestors called those now prohibited Trials of Ordeal, and its several Kinds, *Si se super defendere non posset Judicio Dei, scilicet, Aqua vel ferro, fieret de eo justitia.* *Leges Ed. Conf. cap. 16.* See *Spelman's Gloss.* on this Word, and *Dr. Brady* in his *Glossary* at the End of his *Introduct. to Eng. History.* See *Suthdore*.

*Jug*, A watery Place, according to *Domesday*.

*Jugantes* for *Brigantes*.

*Jugulator*, A Cut-throat, or Murderer. — *Statutum est praterea ut nullus occultus Jugulator, quales Murderers appellant Angli, de catero chartam de regia gratia obtineret.* *Tho. Wallingham*, pag. 343.

*Jugum terræ*, A Yoke of Land, in *Domesday*, contains half a Plow-Land, *viz. Odo tenet de Episcopo unum Jugum terræ, & est dimid. Carucate.* So also *Inst. fol. 5. a.* So in *Domesday*, *Unum Jugum de Ora, & unum Jugum de Herce*; i. e. The Rent of a Yoke of Land, and another Yoke of Land to plough. *Gale* 760.

*Juncare*, To strew Rushes, as was of old the Custom of accommodating the Parochial Church, and the very Bedchamber of Princes. — *Terra in Ailesbury tenetur per servitium inveniendi Domino Regi cum venerit apud Ailesbury in estate stramen ad lectum suum & prater hoc herbam ad juncandam cameram suam.* — *Pat. 14 E. 1.*

*Juncaria* or *Juncaria*, (from *juncus*, the Latin Word for a Rush;) is a Soil or Place where Rushes grow. *Co. on Lit. fol. 5.* *Cum Piscariis, Turbariis, Juncariis, & communibus pasturis ad messuagium predictum pertinet.* *Pat. 6 Ed. 3. p. 1. m. 25.*

*Junctum*, *Juncta*, A Measure of Salt. — *Et de tribus mensuris terra, & de decem junctis salis in wickio, cum duabus salinis, &c.* *Mon. Ang. tom. 2. p. 99.*

*Juncture*. See *Jointure*.

*Jura Regalia*. See *Regalia*.

*Jure Patronatus*. See the *New Book of Entries*, verbo *Jure Patronatus in Quare Impedit*, fol. 365. col. 3.

*Jurats*, (*Furati*, *Anno 2 & 3 Ed. 6. cap. 30.*) as the Mayor and *Furats* of *Maidstone*, *Rye*, *Winchelsey*, *Tenterdon*, &c. are in the Nature of Aldermen, for Government of their several Corporations: And the Name is taken from the French, where (among others) there are Major & *Furati Suesenses*, &c. *Vide Choppin Doman. Fran. lib. 3. Tit. 20. sect. 11. pag. 530.* So *Fersey* hath a Bailiff

liff and Twelve *Furats*, or sworn Assistants, to govern the Island. *Cam. Romney Marsh* is incorporate of one Bailiff, 24 *Furats*, and the Commonalty thereof, by Charter, *Dat. 23 Febr. 1 Ed. 4.* See *Hist. of Imbanking and Draining*, fol. 34. b. *Furats* are also sometimes taken for Juries, as in 13 E. 1. cap. 26.

*Juridical Days*, (*Dies juridici*) Days on which the Law is administered, *Days in Court*. See *Dies*.

*Jurisdiction* (*Jurisditio*) Is an Authority or Power which a Man hath to do Justice in Causes of Complaint made before him. Of which there are two Kinds: The one which a Man hath by Reason of his Fee, and by Virtue thereof does Right in all Plaints concerning the Lands of his Fee: The other is a *Jurisdiction* given by the Prince to a Bailiff. Which Division I have in the *Customary of Normandy*, cap. 2. which is not unapt for the Practice of our Commonwealth; for by him whom they call a *Bailiff*, we may understand all that have Commission from the Prince to give Judgment in any Cause. See Sir *Edw. Coke's Proœmium* to his 4 *Inst.* The *Civilians* divide *Jurisdictionem* into *Imperium* & *Jurisdictionem*, & *imperium in merum* & *mixtum*; of which you may read several *Treatises*.

*Juris utrum* Is a Writ which lies for the Incumbent, whose Predecessor hath alienated his Lands and Tenements. The divers Uses whereof see in *Fitz. Nat. Brev. f. 48.*

*Juroꝛ, Furator*, Is one of those Twenty-four or Twelve Men, which are sworn to declare a Truth upon such Evidence as shall be given them touching the Matter in Question, of which see *F. N. B. f. 165.* and the Statute 16 & 17 *Car. 2.* For returning able and sufficient *Furors*.

*Jurnale*, The *Journal* or Diary of Accounts in a religious House. — *Ut patet per Jurnale hoc anno — ut patet per predictum Jurnale.* *Paroch. Antiq. p. 571.* From the French *Jour*, a Day. Whence *Journey* was at first properly but one Days Travel. And our Ploughmen now use the Word in a strict and original Sense; for they call one Day's Travel, or Work at Plough, a *Journey* or *Journe*. Hence a *Journeyman* is one who works by the Day, &c. See *Furnedum*.

*Jurnedum*, A Journey, or one Day's Traveling. — Among the customary Duties done by the Tenants of *Chebenhale*. — *Si opus fuerit & Dominus voluerit, ipse averiabit pannos suos cum caballo suo ad Sanctum Edmundum, vel alias per unum Jurnedum semel in anno* — *Cartular. Sancti Edmundi MS. f. 401.*

*Jury, Furata*, May be derived from the Latin *Jurare*, to swear, and signifies either Twenty-four or Twelve Men sworn to enquire of the Matter of Fact, and declare the Truth upon such Evidence as shall be delivered them, touching the Matter in Question. Of which *Jury*, who may, and who may not be impanelled, see *F. N. B. f. 165.* And here observe, That in *England* there be three Sorts of Trials, viz. one by Parliament, another by *Battel*, and the third by *Assise* or *Jury*. *Smith de Rep. Angl. lib. 2. cap. 5, 6, 7.* Of the two Former read him, and see *Battel, Combat* and *Parliament*. The Trial by *Assise*, (be the Action civil or criminal, publick or private, personal or real,) is referred for the Fact to a *Jury*, and as they find it, so passeth the Judgment; and the great Favour that by this the King shews to his Subjects, more than the Princes of other Nations, you may read in *Glanvil, lib. 2. cap.*

7. where he calls it, *Regale beneficium clementis principis de consilio Procerum populis indultum, quo vita hominum & status integritati tam salubriter consultitur, ut in jure, quod quis in libero soli tenemento possidet, retinendo, duelli casum declinare possint homines ambiguum, &c.* This *Jury* is not only used in Circuits of Justices Errant, but also in other Courts and Matters of Office, as if the *Escheator* make Inquisition in any Thing touching his Office, he doth it by *Jury* or Inquest. If the Coroner enquire how a Subject found dead, came to his End, he useth an Enquest. The Justices of Peace in their Quarter-Sessions, The Sheriff in his County and Turn, the Bailiff of a Hundred, the Steward of a Court-Leet or Court-Baron, if they enquire of any Offence, or decide any Cause between Party and Party, they do it in the same Manner: So that where it is said, All Things be triable by Parliament, *Battel* or *Assise*, *Assise* in this Place is taken for a *Jury* or Enquest, empanelled upon any Cause in a Court where this Kind of Trial is used; and though it be commonly supposed that this Custom of ending and deciding Causes proceeded from the Saxons and Britains, and was of Favour permitted to us by the Conqueror; yet I find by the *Grand Customary of Normandy*, cap. 24. that this Course was likewise used in that Country; for *Assise* is in that Chapter, defined to be an Assembly of wise Men, with the Bailiff, in a Place certain, at a Time assigned Forty Days before, whereby Justice may be done in Causes heard in the Court: Of this Custom also, and those Knights of *Normandy*, *Johannes Faber* maketh Mention in the Rubrick of the Title *de militari testamento, in Institut.* This *Jury* though it appertains to most Courts of the Common Law, yet it is most notorious in the half Year Courts of the Justices Errants commonly called the *Great Assises*; and in the Quarter-Sessions, and in them it is most ordinarily called a *Jury*, and that in civil Causes; whereas in other Courts it is termed oftner an *Enquest* and in the Court-Baron, a *Jury* of the Homage: In the General *Assise*, there are usually many *Juries*, because there be Store of Causes both civil and criminal, commonly to be tried; whereof one is called *The Grand Jury*, and the rest *Petit Juries*, whereof it seemeth there should be one for every Hundred. *Lamb. Erenarch. lib. 4. cap. 3. pag. 384.* The *Grand Jury* consists ordinarily of Twenty-four grave and substantial Gentlemen, or some of the better Sort of Yeomen, chosen indifferently by the Sheriff out of the whole Shire, to consider of all Bills of Indictment preferred to the Court, which they do either approve by Writing upon them *Billa vera*, or disallow by indorsing *Ignoramus*: Such as they do approve, if they touch Life and Death, are farther referred to another *Jury* to be considered of, because the Case is of such Importance; but others of lighter Moment are, upon their Allowance, without more Work, fined by the Bench, except the Party traverse the Indictment, or challenge it for Insufficiency, or remove the Cause to a higher Court by *Certiorari*; in which two former Cases it is referred to another *Jury*, and in the later transmitted to a higher Court. *Lamb. Eir. lib. 4. cap. 7.* and presently upon the Allowance of this Bill by the Grand Inquest, a Man is said to be indicted; such as they disallow, are delivered to the Bench, by whom they are forthwith cancelled or toru. The *Petit Jury* consists of Twelve Men

Men at the least, and are empanelled as well upon criminal as upon civil Causes: Those that pass upon Offences of Life and Death, do bring in their Verdict either Guilty, or Not guilty, whereupon the Prisoner, if he be found guilty, is said to be convicted, and so afterwards receiveth his Judgment and Condemnation, or otherwise is acquitted, and set free: Of this read *Fortescue*, cap. 47. Those that pass upon civil Causes real, are all, or so many as can conveniently be had, of the same Hundred, where the Land or Tenement in Question doth lie, being four at the least, and they upon due Examination bring in their Verdict either for the Demandant or Tenant. Of this also see *Fortescue*, cap. 25, 26. according to which, Judgment passeth afterward in the Court, where the Cause began: And the Reason hereof is, because these Justices of Assize are in this Case, for the Ease of the Country, only to take the Verdict of the *Jury* by Virtue of the Writ called *Nisi prius*, and so return it to the Court where the Cause is depending. See *Nisi prius*; and *Lambard* in his *Explication of Saxon Words*, verbo *Centuria*; His Words are these, *In singulis centuriis Comititia sunt, atque libera conditionis viri duodeni aetate superiores, una cum Praeposito sacra tenentes, jurant, se adeo virum aliquem innocentem haud condemnaturos, sententiae absoluturos*. See also the *Customary of Normandy*, cap. 69. *Vide etiam Enquest.* See *Twelve Men*, and *Lambard's Eiren.* lib. 4. c. 3. pag. 384. *Mr. Sheringham*, in his *De Anglorum gentis origine*, derives the Origine of our Jury from a great Antiquity: *Quod autem Wodenus (Asgardia Rex) dicitur duodecim regni procures sibi assumpsisse, iisdemque iurisdictioni in populum provinciam dedisse, hinc forte illa nunquam apud nos satis laudanda consuetudo invaluit, quia duodecim juratis viris, quos patrio sermone a Jury idcirco vocamus, tota juris decernendi & litium expediendi potestas concessa est*, P. 272. This Trial by Jury was anciently called *Duodecim virale Judicium*.

We read it likewise in the Laws of King *Aethelred*, made by him at *Wantage*, a Town in *Berkshire*, viz. *Habeantur placita in singulis Wapentakiis ut exeunt seniores duodecim Thayni & praepositus cum eis jurent super sanctuarium quod eis datur in manus, quod neminem innocentem velint accusare vel noxium conelare*. 'Tis true, this may seem to intend the Number of the Judges, and not of the *Jury*: But the *Jury* themselves in some Cases are Judges, that is, they are Judges of the Fact, and the Judge is bound to give Sentence according to their Verdict of the Fact.

*Jus Cozonæ*, The Right of the Crown is Part of the Law of England, and differs in many Things from the general Law, relating to the Subject. See *Co. on Lit.* f. 15. b.

*Jus Curialitatis Angliæ*. See *Curtsey of England*.

*Jus Duplicatum* Is where a Man hath the Possession as well as a Propriety of any Thing. *Bract.* lib. 4. tract. 4. c. 4.

*Jus hereditatis*, The Right of Inheritance. See *Heir*.

*Jus Patronatus* Is the Right of presenting a Clerk to a Benefice. See the *New Book of Entries*, verbo *jure Patronatus in Quare Impedit*, fol. 465. col. 3.

*Justa*, Among the Customs observed in the Abbey of *Glastonbury*.—*In diebus solemnibus quum Fratres fuerint in capis medonem habuerunt in justis, & simulas super mensam, & vinum ad caritatem & tria generalia*—*Chartular. Abbat. Glaston. MS.*

fol. 10. So *Mon. Angl. tom. 1. pag. 149. Percipiet etiam quilibet Fratrum*—*cotidie justas duas de cerevisia*. Whence it is plain, that *Justa* was some Pot, or liquid Measure.

*Justes* (Fr. *Fouste*, i. e. *Decursus*, Lat. *Juxta*) were Contention between Martial Men and Persons of Honour, with Spears on Horseback, by way of Exercises, and singly. *Anno 24. Hen. 8. cap. 13. Editum Regis Edw. 1. prohibendo sub forisfactura omnium quæ forisfactura possint, quod non Torneant, Bordeant, Adventuras Quarant, Justas faciant seu ad arma præsumant sine Licentia Regis.* *Pal. 29 Edw. 1. Essex 101. See Tournament.* And it differed from Tournaments as *Species* doth from *Genus*; because Tournaments were all Sorts of military Contentions, and consisted of many Men in Troops: But *Justs* were usually between two Men, and no more.

*Justice*, *Justiciarius*, Signifies him that is deputed by the King to do Right by way of Judgment; the Reason why he is called *Justice* and not *Judex*, is, because in ancient Times the Latin Word for him was *Justicia*, and not *Justiciarius*, as appeareth by *Glanville*, lib. 2. cap. 6. and *Rog. Hovenden*, part. poster. suor. annal. fo. 413. Another Reason why they are called *Justiciarii*, and not *Judices*, is, because they have their Authority by Deputation, as *Delegates* to the King, and not *jure Magistratus*, and therefore cannot depute others in their stead, the *Justice* of the Forest only excepted, who hath that Liberty especially given him by 32 H. 8. 35. for the Chancellor, Marshal, Admiral, and such like, are not called *Justiciarii*, but *Judices*: Of these *Justices* there are divers Sorts in England, of the Manner of whose Creation with other Appurtenances, read *Fortescue*, c. 51. These in *Magna Charta*, c. 12. and other Statutes, are called *Justices*.

*Justice* or *Chief Justice* of the King's Bench, (*Capitalis justitia vel justiciarius de Banco Regis, vel ad placita coram rege tenenda*) Is a Lord by his Office while he enjoys it, and the Chief of the rest; His Office especially is to hear and determine all Pleas of the Crown, viz. such as concern Offences committed against the Crown, Dignity, and Peace of the King; as Treasons, Felonies, Mayhems, and such like; which you may read in *Bracton*, lib. 3. tract. 2. per totam, and in *Staudf. Pl. Cor.* from the first to the 51. chap. of the first Book. He also, with his Assistants, heareth all personal Actions, and real also, if they be incident to his Jurisdiction. See *Crompt. Jur.* fol. 67. Of this Court *Bracton*, lib. 3. cap. 7. num. 2. saith thus, *Placita vero civilia in rem & personam in Curia Domini Regis terminanda, coram diversis Justiciariis terminantur; & illarum curiarum habet unam propriam, sicut aulam Regiam, & Justiciarios capitales qui proprias causas Regis terminant & aliorum omnium per querelam vel privilegium sive libertatem; ut si sit aliquis qui implacitari non debeat, nisi coram Rege*. This *Justice* hath no Patent under the Great Seal, but is made by Writ in this short Form,

**R**EX, &c. R. M. militi salutem. Sciatis quod constituimus vos Justiciarium nostrum Capitalem, ad Placita coram nobis tenenda, quamdiu vos bene gesseritis, &c. Teste, &c.

Of the ancient Dignity of this Chief Justice, thus, *Liber niger fiscalis*, cap. 4. *In Scaccario residet, imo & præsidet, prius in regno Capitalis, scilicet, Justicia*. In the Time of King *John*, and other of our



our ancient Kings, it often occurs in Charters of Privileges, *Quod non ponatur respondere, nisi coram nobis vel Capitali Justicia nostra*. The Oath of the Justices, see in the Stat. 18 Ed. 3. Stat. 4. and in *Origines Juridicales*, a Catalogue of all the Lords Chief Justices of England. See King's Bench.

He had formerly that Power alone, which afterwards was distributed to three other great Magistrates, that is, he had the Power of the Chief Justice of the Common Pleas, of the Chief Baron of the Exchequer, and of the Master of the Court of Wards. He usually sat in the King's Palace, and there executed that Office which was formerly performed *per Comitem Palatii*: He determined in that Place all Differences which happened between the Barons and other great Men of the Kingdom, and likewise Causes both Criminal and Civil between other Men. And this he did till the 9th Year of Henry III. or rather till the 17th of King John, when, at the Request of the Nobility, the King granted that *Communia placita non sequerentur Curiam suam, sed in loco certo tenerentur*.

He had that Prerogative to be Viceregent of the Kingdom when any of our Kings went beyond Sea, and was usually chosen to this Office out of the greatest of the Nobility: But his Power was first diminished by Richard I. who made two other Justices, and assigned to each a distinct Jurisdiction, viz. to one the North Parts of England, and to the other the South. And thus it continued till the Beginning of the Reign of Edward I. who reduced them to one Court. And that wise King considering that some former Chief Justices made use of their Power in Prejudice to his Father and Grandfather, did farther diminish their Authority, both as to the Dignity of their Persons, and Extent of their Jurisdiction; for no more were chosen out of the Nobility as formerly, but out of the Common People, who were Men of good Morals, and skilful in the Laws. And now began the Study of the Common Law, and not before; and the Chief Justice was no longer stiled *Capitalis Angliae Justiciarius*, but *Capitalis Justiciarius ad placita coram Rege tenenda*, &c.

Justice or Chief Justice of the Common Pleas, Hath also the Title of Lord whilst he enjoys his Office, and is called *Dominus Justiciarius Communium Placitorum*, vel *Dominus Justiciarius de Banco*, who with his Assistants did originally, and do yet, hear and determine all Causes at the Common Law, that is, all Civil Causes, as well Personal as Real, between common Persons; wherefore it was called *The Court of Common Pleas*, in Distinction from *The Pleas of the Crown*, or the King's Pleas, which are special and appertaining to him only. This Court was appointed to be in a settled Place, and not as other Courts, to follow or attend the King's Court or Palace, as appears by the Stat. 9 H. 3. c. 11. Of its Jurisdiction, see 4 Inst. f. 99. The Justice's Oath, see 13 E. 3. Stat. 4. Thus Bracton, lib. 3. cap. 7. tells us, that *Justiciariorum alii sunt perpetui certo loco habitantes sicut in Banco loquelas omnes, &c. terminantes, &c.*

Justice of the Forest, *Justiciarius Foresta*, Is also a Lord by his Office, and hears and determines all Offences within the Forest, committed against Vert or Venison: Of these there be two, whereof one hath Jurisdiction over all Forests on this side

Trent, the other of all beyond. The chief Point of their Jurisdiction consisteth upon the Articles of the King's Charter, called *Charta de Foresta*, made Anno 9 H. 3. concerning which, see *Cambd. Brit. pag. 214*. See *Protoforestarius*. The Court where this Justice sits and determines, is called *The Justice-Seat of the Forest*, held once every three Years, as you may read in *Manwood's Forest Laws*, cap. 24. He is also called *Justice in Eyre of the Forest*; and is the only Justice that may appoint a Deputy, by the Statute of 32 H. 8. 35.

Justice of the Hundred, (*Justiciarius Hundredi*.) *Erat ipse Hundredi Dominus, qui & Centurio & Centenarius*, Hundredique *Aldermannus appellatus est*. *Præerat omnibus Hundredi Eribergis, cognovitque de causis majusculis, quæ in eisdem finire non potuerunt*. Spelm.

Justices of Assise, *Justicarii ad capiendas Assisas*, Are such as were wont by special Commission to be sent (as Occasion was offered) into this or that County, to take *Assises* for the Ease of the Subjects; for whereas these Actions pass always by Jury, so many Men could not, without great Damage and Charge, be brought up to London, and therefore Justices for this Purpose, by Commission particularly authorised, were sent down to them. For it seems, that the Justices of the Common Pleas had no Power to take *Assises* till the Stat. of 8 R. 2. cap. 2. for by that they were enabled to it, and to deliver Gaols. And the Justices of the King's Bench have by that Statute such Power affirmed unto them, as they had One hundred Years before. These Commissions *ad capiendas Assisas*, have of late Years been settled and executed only in Lent, and the long Vacation, when the Justices, and other learned Lawyers, may be at leisure to attend those Controversies; whereupon it also falls out, that the Matters that were wont to be heard by more general Commissions of Justices in Eyre, are heard all at one Time with these *Assises*, which was not so of old, as appears by Bracton, lib. 3. cap. 7. num. 2. *Habeat etiam justiciarios itinerantes de Comitatu in Comitatum, quandoque ad omnia placita; quandoque ad quædam specialia, sicut Assisas, &c. & ad Gaolas deliberandas; quandoque ad unam vel duas & non plures*. And by this Means the Justices of both Benches being worthily accounted the fittest of all others, and their Assistants, were employed in these Affairs. But no Justice of either Bench, or any other, may be Justices of Assise in his own County, Anno 8 R. 2. 2. and 32 H. 8. 24. And those who now are called Justices of Assise, and twice every Year go the Circuit, by two and two through all England, dispatch their several Businesses by several Commissions. *Crompt. Jur. fol. 210*. For they have one Commission to take *Assises*, another to deliver Gaols, another of Oyer and Terminer, &c. That Justices of Assise, and Justices in Eyre did anciently differ, appeareth by 27 E. 3. cap. 5. And that Justices of Assise, and Justices of Gaol-Delivery were divers, is evident by 4 E. 3. 3. The Oath taken by Justices of Assise is all one with that taken by the Justices of the King's Bench. Old Abridgement of Statutes, Tit. *Sacramentum justiciariorum*. See Oath.

Justices of Oyer and Terminer, *Justicarii ad audiendum & terminandum*, Were Justices deputed upon some special or extraordinary Occasions, to hear and determine some peculiar Causes. Fitzherbert in his *Nat. Brev.* saith, That the Commis-

on d'Oyer and Terminer is directed to certain Persons upon any great Assembly, Insurrections, heinous Misdemeanors, or Trespasses committed. And because the Occasion of granting this Commission should be maturely weighed, it is provided by the Statute made 2 E. 3. cap. 2. That no such Commission ought to be granted, but that they shall be dispatched before the *Justices* of the one Bench or other, or *Justices Errant*, except for horrible Trespasses, and that by the special Favour of the King. The Form of this Commission, see F. N. B. f. 110.

*Justices in Eyre*, *Justiciarii itinerantes*, Are so termed of the old French Word, *Erre*, *Iter*, as (*a grand Erre*, i. *magnis itineribus*,) proverbially spoken. These in ancient Time, were sent with Commission into divers Countries to hear such Causes especially, as were termed *Pleas of the Crown*. And this was done for the Ease of the People, who must else have been hurried to the King's Bench, if the Case were too high for the County-Court: They differed from the *Justices of Oyer and Terminer*, because they (as we said before) were sent upon one or few special Causes, and to one Place, whereas the *Justices in Eyre* were sent through the Provinces and Counties of the Land, with more indefinite and general Commission, as appeareth by *Bracton*, lib. 3. c. 11, 12, 13. and *Britton*, cap. 2. And again, because the *Justices of Oyer and Terminer* were sent uncertainly upon any Uproar, or other Occasion in the Country; but these in *Eyre* (as Mr. Gwin sets down in the Preface to his Reading,) were sent but every seven Years once, with whom agrees *Horne* in his *Mirror of Justices*, lib. 2. cap. *queux poient estre atours*, &c. Et lib. 2. cap. *des peches criminals*, &c. al fuit del Roy, &c. And lib. 3. cap. *de Justices in Eyre*: Where he also declares what belongs to their Office. [But there is a Book intituled *Orig. juridicales*, which says, They went oftner.] These were instituted by King Henry the Second, as *Cambd.* in his *Brit.* witnesseth, pag. 104. and *Hoveden par. post. suor. annal.* fol. 313. hath of them these Words, *Justiciarii itinerantes, constituti per Henricum Secundum, qui divisit Regnum suum in sex partes, per quarum singulas tres justiciarios itinerantes constituit*, &c. In some respect they resembled our *Justices of Assise* at present, though their Authority and Manner of Proceeding much differ. Co. on Lit. f. 293.

*Justices of Gaol-Deliberer*, *Justiciarii ad Gaolas deliberandas*, Are such as are sent with Commission to hear and determine all Causes appertaining to such as for any Offence are cast into the *Gaol*: Part of his Authority is to punish such as let to Mainprise those Prisoners that be not bailable by Law, nor by the Statute *de finibus*, cap. 3. F. N. B. fol. 151. These seem in ancient Time to have been sent into the Country upon this several Occasion; but afterwards *Justices of Assise* were likewise authorised to this. Anno 4 E. 3. cap. 3. There Oath is all one with other of the King's *Justices* of either Bench. Old Abridgment of Statutes, Tit. *Sacramentum justiciariorum*. See Oath.

*Justicements*, From *Justicia*, All Things belonging to *Justice*. Co. on Westm. 1. fol. 225. Also the Effects or Execution of *Justice*, or of Jurisdiction.

*Justices of the Jews*, (*Justiciarii ad Custodiam Judaeorum assignati*,) King Richard I. after his Return out of the Holy Land, Anno 1194. appointed particular *Justices*, Laws, and Orders, for preventing the Frauds, and regulating the Contracts and Usury of the Jews. *Hoveden, parte post.* pag. 745. Claus. 3 Ed. 1. M. 19.

*Justices of Labozers* Were *Justices* heretofore appointed to redress the Frowardness of *Labouring Men*, that would either be idle, or have unreasonable Wages. Sec 21 E. 3. c. 1. 25. E. 3. c. 8. and 31 E. 3. c. 6.

*Justices of Nisi Prius* Are all one at this Time with *Justices of Assise*, for it is a common Adjournment of a Cause in the *Common Pleas*, to put it off to such a Day, *Nisi prius justiciarii venerint ad eas partes ad capiendas Assisas*; and upon this Clause of Adjournment they are called *Justices of Nisi prius*, as well as *Justices of Assise*, by reason of the Writ or Action that they have to deal in. Their Commission you may see in *Crompt. Jur.* fol. 204. yet with this Difference between them, that *Justices of Assise* have Power to give Judgment in a Cause, but *Justices of Nisi prius* only to take the Verdict. But in the Nature of both their Functions, this seems to be the greatest Difference, that *Justices of Nisi prius* have to deal in Causes personal as well as real; whereas *Justices of Assise*, in strict Acceptation, meddle only with the possessory Writs called *Assise*.

*Justices of the Pavilion* (*Justiciarii Pavilonis*) Are certain Judges of a *Pyepowder-Court*, of a most transcendent Jurisdiction, held under the Bishop of Winchester at a Fair on St. Giles's Hill, near that City, by Virtue of Letters Patent granted by Richard the Second, and Edward the Fourth. *Episcopus Wynton. & successores suos, a tempore quo, &c. Justiciarios suos, qui vocantur Justiciarii Pavilonis, cognitiones placitorum & aliorum negotiorum eadem Feria durante, necnon claves portarum & custodiam predictae Civitatis nostrae Wynton, pro certo tempore Ferie illius, & nonnullas alias libertates, immunitates & consuetudines habuisse*, &c. See the Patent at large in *Prynne's Animad.* on 4 Inst. fol. 191.

*Justices of the Peace* (*Justiciarii ad Pacem*) Are those who are appointed by the King's Commission to attend the Peace of the Country where they dwell; of whom some, for special Respect, are made of the *Quorum*, because Business of Importance may not be dispatched without the Presence or Assent of them, or one of them. See *Quorum*. The Office and Power of these is various, and grounded upon several Statutes, too long to recite. They were called *Guardians of the Peace* till the Thirty-sixth Year of Edward the Third, cap. 12. where they are called *Justices*. *Lamb. Eiren.* lib. 4. c. 19. pag. 578. See *Shepherd's Sure Guide for Justices of Peace*.

*Justices of Peace within Liberties* (*Justiciarii ad Pacem infra Libertates*) Are such in Cities, and other corporate Towns, as those others of the Counties; and their Authority or Power is all one within their several Precincts. Anno 27 H. 8. cap. 25.

*Justices of Traile-bastan* Were a Kind of *Justices* appointed by King Edward the First, upon Occasion of great Disorders grown in the Realm, during his Absence in the Scotch and French Wars. In the Old N. B. fol. 52. they are stiled *Justices of Trial-bastan*: But by *Holinshed* and *Stow*, *Traile-bastan*, so called (say they) of trailing, or

or drawing the Staff of Justice: Or according to Co. 12. Rep. fol. 25. for their summary Proceedings, who says also, They were, in a Manner, *Justices in Eyre*, and their Authority founded on the Statute of *Ragman*. Their Office was to make Inquisition through the Realm, by the Verdict of substantial Juries, upon all Officers, as Mayors, Sheriffs, Bailiffs, Escheators, and others, touching Extortion, Bribery, and other such Grievances; as Intrusions into other Mens Lands, Barretors, and Breakers of the Peace, with divers other Offenders; by Means of which Inquisitions, many were punished by Death, many by Ransom, and the Rest flying the Realm; the Land was quieted, and the King gained great Riches towards the Support of his Wars. See *Mat. Westm.* in Anno 1305. In the *Hist. Rossen.* fol. 200, sub anno 1305, which may be said to be co-eraneous with these *Justices*, he gives the following Account of their Office. *Circa hac tempora processit in publicum nova inquisitionis brevis, quod anglie dicitur Trail-baston, contra Intrusores, Conductitios hominum vapulatores, conductitios seiscina captores, pacis infractores, raptores, incendiarios, murderatores, pugnatore. Multi hoc perempti, multi redempti, multi noxii, pauci innoxii sunt inventi. Adeo quidem rigide processit hujus coertionis justitia, quod pater proprio filio non parceret, &c. diva multa.* As to the Name *Trail-baston*, there are divers Opinions; some think that *Baston* signifies the Beam of a Pair of Scales, and so is metaphorically applied to the just poising of Recompence for Offences committed. Others think it may be derived from the French (*Treiller*, i. *Cancelli*) Bars or Lattices, a Grate with cross Bars: Others from the Word *Treille*, i. *Pargula*, a Frame or Rail, such as Vines use to run upon; and *Baston*, a Staff or Pole, inferring, that the *Justices* employed in this Commission, had Authority to proceed without any solemn Judgment-Seat, but might without more work proceed wherever they could apprehend the Malefactors they sought for. If I may be admitted to give my Thoughts, I suppose, it may be derived from the *Fren h* Word *Trayl*, i. to draw; and *Baston*, a Staff; and the Reason of this my Supposition, is, that the Kings of England having in those Times many Occasions in France, by Reason of their frequent Wars there; and observing that the Marshals of France had a large Power, with which they were invested by the Delivery of a *Baston*, (or as we call it a *Batoon*) the Ensign of their Office and Authority; when they returned and found strange Disorders grown here, in Imitation of that, erected these *Justices*, who (as they say) had a *Baston* delivered them as the Badge of their Office, so that whoever was brought before them was *Traille al Baston, traditus ad Baculum*; whereupon with Submission, may their Name easily be deduced, and they called *Justices de Trail-baston*, or *Justiciarii ad trabendum offendentes ad baculum vel baston*. We find a Commission of *Trail-baston*, coram Rogero de Grey & Sociis suis Justic. apud S. Albanum, Anno Regni Regis E. 3. post conquestum, 5. See *Spelman's Gloss.* verbo *Trail-baston*.

*Justiciar*, (Fr. *Justicier*.) a *Justice*, or *Justicier* The Lord *Birmingham*, *Justiciar* of Ireland. *Baker's Chron. Angliæ*, fol. 118.

*Justiciarii ad Placita transgressorum* Moneta audienda & terminanda. *Claus. 7 Edw. 1. M. 6. de Judæis.*

*Justiciatus*. Nos, quantum in ipsis est, de nostro Domino & alto Justiciatu, quæ ibidem optine-

re nascimur excludendo. *Pat. 31 Edw. 3. Par. 1. M. 19. intus.* Judicature, Prerogative, or Jurisdiction:

*Justice-Seat* Is the highest Court that is held in a Forest, and is always held before the Lord Chief *Justice in Eyre of the Forest*, upon warning forty Days before; and there the Judgments are always given, and the *Fines* set for Offences, that were presented at the Courts of Attachments, and the Offenders indicted at the *Swaingmotes*, concerning which, see *Manwood's Forest-Law*, cap. 24.

*Justices* Is a Writ directed to the Sheriff, for the dispatch of *Justice* in some special Cause of which he cannot by his ordinary Power hold Plea in his County-Court. Hereupon the Writ de *excommunicato deliberando*, is called a *Justices* in the *Old Nat. Brev.* fol. 35. Also the Writ de *homine replegiando*, *Ibid.* fol. 41. And the Writ de *secunda superoneratione pastura*, *Ibid.* fol. 73. There are many Precedents of this in *F. N. B.* fol. 117. in *Account*, and fol. 152. in *Annuity*, and fol. 119. in *Debt*. *Kitchin*, fol. 74. says, That by this Writ of *Justices*, the Sheriff may hold Plea of a great Sum, whereas, of his ordinary Authority, he can hold no Pleas, but of Sums under Forty Shillings, with whom agrees *Crompton*, fol. 231. It is called a *Justices*, because it is a Commission to the Sheriff *ad justiciandum aliquem*, to do a Man Justice, and requires no Return, or any Certificate of what he hath done. *Braff. lib. 4. tract. 6. cap. 13. num. 2.* mentions a *Justices* to the Sheriff of London, in a Case of *Dower*. See the *New Book of Entries*, verbo, *Justices*.

*Justificare*, To pass Judgment. *Et totam aliam terram habeat & terra habitatores sub se, & justificet.* *Brompton.* Du Fresne.

*Justification*, *Justificatio*, Is an Affirming or Shewing good Reason in Court, why he did such a Thing as he is called to answer, as to *justify* in a Cause of *Replevin*. *Broke, Tit. Replevin.*

*Justificatores*, (*Justificatores*.) *Will. Rex Angliæ H. Camerario & Justificatoribus suis, omnibus suis fidelibus Norf. salutem. Inquirete per Comitatum quis justius hujusmodi forisfacturam haberet tempore Patris mei, sive Abbas Ramestie sive antecessor W. de Albenio. Et si Comitatus concordaverit quod Abbas rectius prædixam forisfacturam debet habere, tunc præcipio ut C. solidi, quos Radul. Passel. implacitavit, sine mora Abbati reddantur. T. Episcopo Dunelmensi.* Sir Henry *Spelman* leaves it thus without Explication. *Justificatores* seem to signify *Compurgatores*, or those that by Oath justify the Innocency, Reputation, or Oath of another, as in the Case of *Waging Law*. Also Jurymen, because they justify that Party on whose behalf they give their Verdict.

*Justitia* Was anciently used for a Judge, and sometimes for a Statute, Law, or Ordinance. *Richardus Dei Gratia. Sciatis, Nos, de communi proborum virorum consilio, fecisse hæc Justitias subscriptas.* *Hoveden*, p. 666.

*Justitia* Is often taken for Jurisdiction, or the Office of a Judge. *Leg. Edw. Conf. cap. 26. Justitia cognoscens Latronis sua est de homine suo.*

*Justitia*, He who now is called *Justiciarius* was formerly called *Justitia*, i. e. a Judge. *Leg. H. 1. c. 42. A Rege vel Justitia ejus, vel a Communi utrumque Domino submoneatur.*

*Justitias facere* Is to hold Plea of any Thing. *Mr. Selden*, in his *Notes upon Eadmerus*, mentioning that Plea which was held at *Pinnenden* between Archbishop *Lanfrank* and Old Bishop of *Bay-*

Bayeux, tells us, *Huic placito interfuerunt Gislefredus Episcopus Constantiensis, qui in loco Regis fuit, & Justitiam illam tenuit, Lanfrancus Episcopus qui ut dictum est placavit & totum dirationavit, &c.*

**Justitium**, A Ceasing from the Prosecution of Law, and Exercising Justice in Places Judicial. The Vacation. LL. Canuti.

## K.

**Kalendar Month**, Mentioned, 16 Car. 2. c. 7. consists of 30 or 31 Days, (excepting February, which never hath more than 28, unless in Leap-Year, and then but 29.) Twelve of which Months being those mentioned in the Kalendar make a Year, which we call vulgarly in the singular Number, *A Twelvemonth*. But if in the plural Number, we say *Twelvemonths*, then shall it be accounted a Month of Weeks, which is but 28 Days. See Co. lib. 6. f. 81. Catesby's Case. See Computation.

**Kalendæ**, Rural Chapters, or Conventions of the Rural Dean and Parochial Clergy; so called, because held on the *Kalends*, or first Day of every Month: As at first every three Weeks, and at last only once a Quarter, and by Degrees wholly intermitted, to the great Decay of Discipline. See *Parochial Antiquities*, by Mr. Kennet, p. 640.

**Kalends**, the Beginning of a Month.

**Kantref**. According to the Description of Mr. Humphrey Lloyd, out of the Laws and Ordinances of Howeldda, a *Kantref* had its Denomination from One hundred Towns, and signifies as much, under which were contained so many Commots, which the Welsh call *Cwmrawd*, and signifies *Provincia* or *Regio*, and consisted of Twelve Manors or Circuits, and two Townships. We find the Word mentioned in *Mon. Ang. 1. part. f. 319.* thus — *Le premier Conquerreur de trois Kantref de la terre de Brechnoch, estoit Bernard de Nef-march Norman.* See *Cantred*.

**Karite**, Caritt, The Religious called their best Conventual Drink, or their strong Beer, by this Name; because I presume, after Meals, they used to drink their *Pocula Caritatis*, or *ad Caritatem*, i. e. their Grace-cups, in this best Liquor.

*Willielmus Powcher Prior Ecclesie Cath. Elyen. & Conventus. — concessimus Magistro Petro Pentley Medico unum corrodium in domo nostra, videl. quolibet die duos panes de celario, unum album de pastu conventuali vocatum Houfhold-loof & alium nigrum vocatum Black-white-loof, & unam mensuram cervisia bona, vocata Karite, ex eodem vase de quo Conventus ipsi eodem die deservitur. — Ex Cartular. Eccles. Elyen. MS. penes Job. Episc. Norwic. MS. And unum Carite was used for one Grace-Cup, as William Prior of Ely, and the Convent, granted to Alice Appilton one daily Corody, videl. unam panem vocat. Black-white-loof, & unam mensuram cervisia melioris conventus, seu de dolio conventus, vocat. unum Carite per diem. Dat. 8 Apr. 1411. ib.*

**Karle** (Sax.) a Man; and sometimes a Servant or Clown. Hence the Saxons called a Scaman a *Buscarle*, and a Domestick Servant *Huscarle*. This Word is often found in *Domesday*, *Selden's Mare Clausum*, and other ancient Records. From hence, by Corruption, comes our modern Word *Churle*.

**Karpie**, *Matthew Paris* in the Lives of the Abbots of St. Albans, under *Paul* the fourteenth Abbot.

Anno 1077. pag. 52. — *Minutis autem qui de sua consuetudine pastillis carnis vescabantur, esus subtraxit inordinatos, & pro carne, de allece & liborum eduliis congestum quoddam ferculum ipsi in communi cumularunt. Quod more Normannorum Karpie quasi Karempie soppistice nominavit.* Dr. Watts confesses himself ignorant of the Meaning of this Word. Du Fresne thinks it was the same with *Carpeia*, which was a Part of *Lenten Farc*, or a Dish of salted or dried Fish, chopped and minced together with other Ingredients to make it more savoury, as we now dress a cold pickled Herring, or what is called by the barbarous Name of *Salmagundy*. *Karrata sœni*, (*Mon. Angl. 1. Par. f. 548. b.*) a Cart-load of Hay. See *Careffa*.

**Karyns**, i. e. Lent. Fr. *Caresmes*. (Lat. *Quadragesima*.)

**Kay**, (*Kaia* & *Caya*, Sax. *Leg*, Teut. *Kay*.) *Area in littore onerandarum atque exonerandarum navium causa, & compactis tabulis trabibusque (clavium instar) firmata.* A Wharf to land or ship Goods or Wares at. The Verb *Caiare*, in old Writers, signifies (according to *Scaliger*) To keep in, or restrain; and so is the Earth or Ground, where *Kays* are made, with Planks and Posts. *Nunc ille cursus aquæ per sordes & inundationes Tannatorum, & per varias perturbationes in predicta aqua factas, & maxime per exaltationem Cayæ, & diversionem aquæ, quam ipsi de Novo Templo fecerunt ad Molendina sua extra Castra Bagnard, quod naves predictæ minime intrare possunt, sicut solebant.* Pla. & Petitiones in Parl. Anno 35 Ed. 1.

**Kapage**, (*Kaiagium*.) *Portorium quod Kaiæ nomine exigit Telonarius.* The Money or Toll paid for loading or unloading Wares at a *Kay* or Wharf. *Rot. Pat. 1 Ed. 3. m. 10. and 20 Ed. 3. m. 1.*

**Kebbars**, *Cooper* in his *Theaurus* renders *Oves rejicula* by *Kebbars* or *Cullers*, drawn out of a Flock of Sheep. But where or why the refuse Sheep are thus called, is perhaps not worth enquiring.

**Kedel**. (*Anno 12 Ed. 4. cap. 7.*) See *Kiddle*.

**Keelage**. See *Killagium*.

**Keep**, A strong Tower in the Middle of any other Fort or Castle, wherein the besieged make their last Efforts of Defence, was called a *Keep*. Hence the inner Pile of Fortification within the Castle of *Dover*, erected by King *Henry II.* about the Year 1153. was called the *King's Keep*. So at *Windfor*, &c.

**Keeper of the Forest**, *Custos Forestæ*, Is also called *Chief Warden of the Forest*, *Manwood Forest Laws*, part. 1. pag. 156. and hath the Principal Government of all Things, and the Check of all Officers belonging to the same; and when it pleaseth the Lord Chief Justice in *Eyre of the Forest* to keep his Justice-Seat, he sends out his Warrant, or general Summons, to him forty Days before, for the Warning of all Under-Officers to appear before him at a Day assigned in the Summons, which see in *Manwood*, ubi supra.

**Keeper of the Great Seal**, *Custos magni sigilli*, Is a Lord by his Office, and stiled *The Lord Keeper of the Great Seal of England*: He is one of the King's Privy Council; through whose Hands pass all Charters, Commissions, and Grants of the King under the *Great Seal*; without which Seal, all such Instruments by Law are of no Force. For the King is in the Interpretation of Law a Corporation, and passeth nothing firmly but



but under the said *Seal*, which is as the publick Faith of the Kingdom in the high Esteem and Reputation justly attributed thereto. This *Lord Keeper*, by the Statute 5 *Eliz.* 18. hath the same Place, Authority, Preheminence, Jurisdiction, Execution of Laws, and all other Customs, Commodities, and Advantages, as hath the *Lord Chancellor of England* for the Time being. He is constituted by the Delivery of the *Great Seal* to him, and taking his Oath. *Co. 4. Inst. fol. 87.*

*Keepers of the Liberties of England* By Authority of Parliament. See *Custodes Libertatis.*

*Keeper of the Privy Seal*, *Custos privati sigilli*, Is a Lord by his Office, through whose Hands pass all Charters signed by the King before they come to the *Great Seal*, and some Things which do not pass the *Great Seal* at all: He is of the King's Privy Council, and was anciently called *Clerk of the Privy Seal*. 12 R. 2. cap. 11. *Gardien del Privy Seal*, in Rot. Parl. 11 H. 4. num. 28. And *Lord Privy Seal*, and one of the great Officers of the Kingdom, by 34 H. 8. 4.

*Keeper of the Touch*, 12 Hen. 6. 14. seems to be that Officer in the King's Mint, at this Day called *The Master of the Assay*. See *Mint.*

*Kellus*, In digging the Tin-Mines in *Cornwall*, next the Load or Vein of Tin, there is a Floor which they call *Spar*, above which lies another Kind of Substance like a white soft Stone, which they call *Kellus*.

*Kelp*, Made of Sea-wrack or Weed laid on Heaps, dried and burned, stirred to and fro with an Iron Rake till it condenses and cakes together; used chiefly in making *Alom*.

*Kenechester*. See *Ariconium*.

*Kendall Baron*. See *Concagii*.

*Kenegele*, (*Sax.*) *Spel. de Concil.* 1 Tom. fol. 406. See *Cenegild*.

*Kennets*, A Sort of Coarse Welsh Cloth, mentioned Anno 33 H. 8. cap. 3.

*Kenninga*. See *Cenninga*.

*Kerhere*, — *Inquisitio & extenta terrarum & tenementorum, que fuerunt Roberti de Monte-alto nuper defuncti*, in *Refens* in *Norf.* facta die lune in crastino S. Eidis, videlicet, Regni Regis Edwardi tertio

item de quadam consuetudine qua vocatur *Kerhere* ad Festum S. Michaelis 12 denar. Ex bundello *Escheat.* anno 3 Ed. 1. Perhaps a Commutation for the customary Duty of Carrier, or Carriage of the Lord's Goods.

*Kernellare domum*, To build a House with a Wall or Tower, *kernelled* or *crenelle*, with Cranies or Notches, for the better Conveniency of shooting Arrows, and making other Defence. *Spelman* derives it from the *Sax. Cynnel*, a Seed or Kernel; from whence, says he, *Cynnelen*, to rise in Knobs or Bunches. But *Du Fresne* justly reflects on this Violence done to the Word, and finds it to be *quarnellus* or *quadranelus*, a four Square Hole or Notch; *ubique patent quarnelli sive fenestra*. This Form of Walls and Battlements for military Uses, and chiefly for shooting with Bows and Arrows, might possibly borrow Name from *quadrellus*, a four square Dart

*Nec tamen interea cessat balista vel arcus, Quadrellos hæc multiplicat, pluit illa sagittas.*

It was a common Favour granted by our Kings, after Castles were, for preventing Rebellion, de-

molished, to give their chief Subjects Leave to fortify their Manor-Houses with *kernelled* Walls. *Licentiam dedimus Johanni de Handlo quod ipse mansum suum de Borstall juxta Brebult in Com. Buck. muro de petra & calce firmare & kernallare possit.* Dat. 12. Sept. 1312. *Paroch. Antiq. pag. 353.* Which Form of Work does now appear in that ancient Seat of *Borstal*, *Com. Buck.* in the Possession of the very worthy Sir *John Aubrey* Baronet.

*Kernellatus*, (from the *Lat. Crena*, a Notch.) *Et dux (sc. Lanc.) dicit, quod ipse clamat pro se & heredibus suis habere Castrum suum de Halton, Kernellatum.* Pl. de quo *Warr. apud Cestriam*, 31 E. 3. Fortified or Embattelled. *Rostormel. Erat ibidem quoddam Castrum duplici muro Kernellatum, &c.* Survey of the *Dutchy of Cornwall.*

*Kernes*, Idle Persons, Vagabonds *Nec non de illis qui dicuntur Idle-Men, & Malefactoribus, qui etiam Kernys dicuntur.* Pat. 5 E. 3. p. 1. m. 25 & Ord. *Hibern.* 31 Ed. 3. m. 11, 12.

*Kebere*, A Cover or Vessel used in a Dairy-House for Milk or Whey, — *Compositus Henrici Deye & Johanne uxoris de exitibus & proveni-tibus de Dayri. Allocantur pro novo Kevero empto viii. den.* *Paroch. Antiq. pag. 386.* In *Deconsbire* a *Keeve* is the Butt or Fatt wherein they work their Beer.

*Kepleg* or *Keeles*, (*Ciuli* or *Ciules*) A Kind of long Boats of great Antiquity, mentioned Anno 23 H. 8. c. 18. *Longe Navis quibus Britanniam primo ingressi sunt Saxones.* *Spel.*

*Keyng* — *Robertus de Tuteshal, Episcopus Norwicensis, & Rogerus de Monte-alto concesserunt, quod ipsi ex tunc non caperent, aut per ballivos suos capi facerent, aliquod Theoloneum pro caseo & butiro super uncto leguminibus & hujusmodi nisi in grosso venderent, & quod non caperent aut capi facerent de quinque pellibus rubeis qua vocantur Keyng nisi unum obolum tantum.* *Placit. Parl.* 18 Ed. 1. Whence it seems plain that a *Keyng* was five Fells or Pelts, or Sheep-Skins with their Wool on them.

*Keyus*, *Keys*, A Guardian, Warden, or Keeper. — *Nolo etiam quod aliquis Seneschallus, Constabularius, Ballivus, Keys, sive Forestarius, Servi-ens, vel venator — per terras eorum venientes, ab ipsis nec ab hominibus suis pascantur.* — *Mon. Angl. Tom. 2. p. 71.* In the *Isle of Man*, the 24 chief Commoners, who are as it were the Conservators of the Liberties of the People, are called the *Keys* of the Island.

*Kichell*, A Cake: It was a good old Custom for Godfathers and Godmothers, every Time their God-Children asked them Blessing, to give them a Cake; which was called a *God's Kichell*. It is still a proverbial Saying in some Counties, *Ask me Blessing, and I will give you some Plumb-Cake.*

*Kidder*, Anno 5 *El. cap. 12.* says, Every Person being a common Badger, *Kidder*, *Lader* or *Carrier*. Whereby it signifies one that badges, or carries Corn, dead Victual, or other Merchandise, up and down to sell; called also *Kyddiers*, 13 *El. cap. 25.*

*Kiddiers*, (Anno 13 *Eliz. cap. 25.*) See *Kid-der*.

*Kiddle*, *Kidel*, or *Kedel*, (*Kidellus*) a Dam, or open Wear in a River, with a Loop or narrow Cut in it, accommodated for the laying of Weels or other Engines to catch Fish. 2 *Part. Inst. fol. 38.* *Angustias, machinas sive ingenia in fluminibus posita ad Salmones aliosque p-fces interci-piendos*

*piendos*. Fishermen corruptly call them *Kettles*: The Word is ancient, for in *Magna Charta*, cap. 24. we read thus, *Omnes Kidelli deponantur de cetero penitus per Thamesiam & Medeweyam & per totam Angliam, nisi per costeram Maris*. And in a Charter made by King John, Power was granted to the City of London, *De Kidellis amovendis per Thamesiam & Medeweyam*. Anno 1 H. 4. cap. 12. it was accorded, (*inter alia*) That a Survey should be made of the Weirs, Mills, Stanks, Stakes, and *Kidels*, in the great Rivers of England. Inq. cap. apud Derb. 15 Nov. 1 Eliz. post mortem Tho. Fynder, &c. *Et fuit seistus de uno Kidello vocat. a Were, ac de libera piscaria in Potlok*. Esc. Bundoello, 3. They are now called *Kettles* or *Kettle- Nets*, and are much used on the Sea Coasts of Kent and Wales.

*Kilderkin*, the eighth Part of an Hogshead.

*Kilketh*, An ancient servile Kind of Payment, for in an old Manuscript 'tis thus written. *Kilketh pro qualibet Hundreda, 2 denar.*

*Killagium*, Keelage, *Robertus de Brus habet apud Hertelpole, portum maris, & capit ibi Killagium, scil. de qualibet navi cum Batello, applicante ibi, octo denar. & de qualibet navi sine Batello quatuor denar.* Rot. Parl. 21 Ed. 1. Tit. Northumberland.

*Killythstallion* Is where a Lord of a Manor was bound by Custom to provide a Stallion for the Use of his Tenants Mares. *Spelm.*

*Kilth*. *Ac omnes annuales redditus de quadam consuetudine in Ewyas Lacy vocat. Kilth.* Pat. 7 Eliz. pag. 7. *Spelm.* confesseth he did not know the Meaning of the Word.

*King*, Rex, Is thought by *Cambden* in his *Brit.* pag. 105. to be contracted from the Saxon Word *Cyning* for *Coning*, signifying him that hath the highest Power, and absolute Rule over the whole Land; and therefore the *King* is in Intendment of Law cleared of those Defects which common Persons are subject to; for he is always supposed to be of full Age, although never so young. *Crompt. Fur. fol. 134. Kitchin, fol. 1.* He is taken as not subject to Death, but is a Corporation in himself. *Crompt. ibid.* He is *supra Legem* by his absolute Power. *Bract. lib. 1. cap. 8. Kitch. f. 8.* And though for the better and more equal Course in making Laws, He do admit the three Estates, that is, Lords Spiritual, Lords Temporal, and the Commons, unto Council; yet this derogates not from his Power; for whatever they Act, He by his negative Voice may quash. See concerning this, *Smith de Rep. Anglor. lib. 1. cap. 3.* and *Bracton, lib. 2. cap. 16. num. 3.* and *Britton, c. 39.* He pardoneth Life and Limb to Offenders against his Crown and Dignity, except such as he bindeth himself by Oath not to forgive. *Staund. Pl. Cor. lib. 2. cap. 35.* And *Habet omnia jura in manu sua.* *Bracton, lib. 2. cap. 24. num. 1.* He may alter or suspend any particular Law that seems hurtful to the Publick. *Blackwood in Apologia Regum, cap. 11.* For the *King's Oath*, see *Bracton, lib. 3. c. 9. num. 2.*

Again, the *King's* only Testimony of any Thing done in his Presence, is of as high Nature and Credit as any Record; whence it comes, That in all Writs or Precepts sent out for the Dispatch of Justice, He useth no other Witness than himself, always using these Words at the End. *Teste Meipso.* Lastly, He hath in the Right of his Crown many Prerogatives above any common Person, be he never so Potent and

Honourable; whereof you may read at large in *Staundford's Treatise* upon the Statute thereof made 17 E. 2. Also in *Bracton, lib. 2. c. 24. num. 1, & 2.*

*King of Heralds, Rex Heraldorum*, Is a principal Officer at Arms, that hath the Pre-eminence of the Society. See *Herald* and *Garret*. Among the Romans he was called *Pater Patratus*.

*King of the Minstrels*, at *Tutbury* in *Com. Staff.* His Power and Privilege appears by the following Charter.

*Johan per le grace de Dieu, Roy de Castile & de Leon, Duke de Lancastre, a tous ceux, que cestu nos lettres verront ou orront, Saluz. Sachés nous avoir ordonez constitut. & assignez nostre bien ame le Roy de Minstraulx deins nostre Honneur de Tuttebury quare est, ou qui pur le temps serra pur prendre & arrester tous le Minstraulx deins meisme nostre Honneur & Franchise, queux refusont de faire leur services & Minstralcys as eux appartenants, a faire de ancient temps a Tuttebury suis dit annuellement les jours del assumption de nostre Dame. Donants & grantants au dit Roy des Minstraulx pur le temps effeant plein poyer & mandement de les faire resonablement justifier & constrener de faire leur services & Minstralcys en maner come appeint, & come il lonques ad este use & de ancient temps acoustome. En Testimonigniance de quel chose nous avons fait faire cestes nos Lettres Patent, don souz nostre Privey Seal a nostre castel de Tuttebury le xxii. jour de August le an de Regne nostre tresdulces le Roy Richard II. quart. Confirmed by H. 6. 22 Feb. 21. Year of his Reign.*

*King's Bench, Bancus Regius*, Is the Court or Judgment-Seat, where the *King of England* was sometimes wont to sit in his own Person; and therefore it was moveable with the Court or *King's* Household, and called *Curia Domini Regis*, and *Aula Regia*, as *Gwin* reports in the Preface to his *Reading*; and that therein, and in the Court of Exchequer, which were the only Courts of the *King* till *Henry the Third's* Days, were handled all Matters of Justice; as well Civil as Criminal. This Court of the *King's Bench* was wont in ancient Times to be especially exercised in all Criminal Matters, and Pleas of the Crown, leaving the Handling of private Contrasts and Civil Actions to the Common Pleas, and other Courts. *Glanville, lib. 1. cap. 2, 3, 4.* and *lib. 10. cap. 18.* *Smith de Rep. Ang. lib. 2. cap. 11. Co. 4. Inst. f. 70.* and hath President of it, the Lord Chief Justice of England, with three or four Justices Assistants; or according to *Fortescue, cap. 51.* four or five, and Officers thereto belonging, the Clerk of the Crown, a Protonotary, and other inferior Ministers and Attornies. See *Justice of the King's Bench*.

*Kingeld*, Escuage, or Royal Aid. As in a Charter of *King Henry II.* to the Abbot and Monks of *Mirevill*. *Volo & firmiter precipio, ut sint quieti per totam terram meam de theloneo & de sciris & de hundredis, & de Wapentachiis, & de Kingeld, & de Denegeld, & de Murdre.* Mon. Angl. Tom. 1. p. 830.

*King's Silver* Is properly that Money due to the *King* in the Court of Common Pleas *pro licentia concordandi*, in respect of a Licence then granted to any Man for passing a *Fine*. *Co. vol. 6. f. 39, & 43.*

**King's Swanherd**, (*Magister deductus Cignorum.*) Pat. 16 R. 2. pars 1. m. 38. Radulphum Scot, Custodem Cignorum nostrorum, sive per alium quemcunque qui pro tempore Custos cignorum nostrorum predictorum fuerit. No Fowl can be a Stray but a Swan. 4 Inst. f. 280.

**Kintal** Is a certain Weight of Merchandise, most commonly of One hundred Pounds, or something under or over, according to the several Uses of divers Nations. Plowden, fol. 3. mentions 2000 Kintals of Wood in the Case of Reniger and Fogassa. Item duodecim denarios de quolibet cere Quintallo. Chart. 31 Ed. 1. m. 4.

**Kipe**, A Basket made of Osiers, broader at the Bottom, and narrowed by Degrees to the Top, but left open to both Ends, which they use for taking Fish; as particularly upon Otmore in Oxfordshire, where they call this way of treading the Water, and clapping down the Basket, and then groping for the Fish enclosed, *Kipping*, and going to *Kipe*. From the Sax. *Cypa*, a Basket. It is strange to observe, That this very manner of Fishing with Baskets of the same Kind and Shape, is practised by the barbarous Inhabitants of Ceylon in the East-Indies, as appears in the Relation and Figure of it given by Mr. Knox in his Travels, p. 28.

**Kipper-time**, That no Salmon be taken between Gravesend and Henly upon Thames in Kipper-time, viz. between the Invention of the Cross (3 May) and the Epiphany. Rot. Parl. 50 Edw. 3.

**Kirbyes Quest** Is an ancient Record remaining with the Remembrancer of the Exchequer, the Meaning and Etymology whereof will appear by what follows. Memorandum, quod Anno Domini 1277. Anno Regni Regis Edwardi filii Regis Henrici quinto, misit idem Rex per totam Angliam Ballivos inquirere, sub juramento & in secreto de universis terris Anglia per Johannem de Kirby Thesaurarium suum, quiquis teneret & cujus feodi, & quantum & cujus Regis tempore feoffati essent. Ex Regist. Glaston. Canobii penes Rad. Sheldon Ar. fol. 71.

**Kirkmote**, A Synod: Sometimes 'tis taken for a Meeting in the Church or Vestry.

**Kit-floor**, A certain Bed in a Coal-Mine. As at Wednesbury in Staffordshire; the fourth Paring or Laming in the Body of the Coal, is called the Kit-floor one Foot thick.

**Knappa**——— *Dedi unam virgatam de Knappa quam Adreas tenuit, & totam terram de Fernburft.* In another Charter, the same Donation is thus said——— *Dedi unam virgatam terra de Chueppa, quam Andreus tenet.* Cartular Abbat. Rading. MS. p. 94.

**Knabe**, An old Saxon Word for a Man-Servant, and so is used in 14 E. 3. Stat. 1. cap. 3. And Verstegan in his Restitution of decayed Intelligence, cap. 10 believes it is borrowed of the Dutch *Knapa*, which signifies the same Thing. And that is some Kind of Officer or Servant, as *Scild-knapa* was he that bore the Weapon or Shield of his Superior, whom the Latins call *Armigerum*; and the French *Escuyer*. Matt. 8. 6. *Puer meus jacet in domo paralyticus*, was in the Saxon Translation turned *Myn Knawe*. It was sometimes of old used as a titular Addition. *Johannes filius Willielmi Couper de Denby Knave*, ad satisfaciendum Regi de omni eo quod ad Regem pertinet, occasione cujusdam Utlagaria in ipsum in placito transgressionis ad sectam Regis promulgata. Original. de Anno 22 H. 7. 36. Derby. There

is a common Error, that Rom. 1. 1. is translated, Paul a Knave of Jesus Christ: It was occasioned by a Bible in the Duke of Lauderdale's Library, where the Word *Kneawe* was writ in lesser Characters than the other, and a Razure might easily be discerned; but in the Earl of Oxford's Library, Rev. 1. 1. 'tis said, to him *Cnight John*. Fortesc. 42. See *Strumpet*. The Word is now perverted to the hardest Meaning, a false and deceitful Fellow. But it had a Sense of Simplicity and Innocence; it first signified a Child or Boy, Sax. *Cnapa*, whence a *Knave Child*, i. e. a Boy distinguished from a Girl in several old Writers. — *A Knave Child between them two they gate.* —

Gower, Poem, f. 52. 106. And Wicliff in his old Engl. Translation, Exod. 1. 16. If it be a *Knave Child*, i. e. A Son or Male Child. Afterwards it was commonly taken for a Servant Boy, and by Degrees for any serving Man: As in the Vision of *Piers Plowman*, Cokes and her *Knaves* cryden hore Pyes hore, i. e. Cooks and their Boys, or Skul lions.

**Knight**, (Sax. *Cnyt*. Lat. *Miles*, and *Equus auratus*, from the gilt Spurs he usually wore, and thence called anciently *Knights of the Spur*: The Italians term them *Cavalieri*, the French *Chevaliers*, the Germans *Ruyters*, the Spaniards *Cavalleros*, &c.) Knight in its Original properly signified a Servant; but there is now but one Instance where 'tis taken in that Sense, and that is Knight of a Shire, who properly serves in Parliament for such a County; but in all other Instances it signifies one that bears Arms, who, for his Virtue and martial Prowess, is by the King, or one having his Authority, exalted above the Rank of Gentleman to a higher Account or Step of Dignity. The Manner of making them, Cambd. in his Britan. thus shortly expresseth: *Nostis vero temporibus, qui Equestrum dignitatem suscipit, flexis genibus leviter in humero percutitur, Princeps his verbis Gallice affatur; Sus vel sois Chevalier au nom de Dieu, i. e. Surge aut sis Eques in nomine Dei.* This is meant of *Knight Bachelors*, which is the Lowest, but most ancient Degrees of *Knighthood* with us. By the Stat. 1 Ed. 2. cap. 1. all Gentlemen having a full Knight's Fee, and holding their Land by Knight's Service, might be compelled to be made *Knights*: But that is repealed by 17 Car. 1. ca. 20. The Privilege belonging to a Knight, see in Fern's Glory of Generosity, pag. 116. Of *Knights*, there are two Sorts; one *Spiritual*, so called by Divines in regard of their Spiritual Welfare; the other *Temporal*. Cassanens de gloria mundi, Par. 9. Considerat. 2. See Selden's Titles of Honour, fol. 770. Chief Justice Popham affirmed, he had seen a Commission granted to a Bishop, to Knight all the Persons in his Diocese. Godbelt's Rep. fol. 398. Of the several Orders, both of *Spiritual* and *Temporal Knights*, see Mr. Ashmole's Inst. of the Knights of the Garter. He who served the King in any Civil or Military Office or Dignity, was formerly called *Miles*: 'Tis often mentioned in the old Charters of the Anglo-Saxons, which are subscribed by several of the Nobility, viz. after Bishops, Dukes and Earls, per A. B. militem, where *Miles* signifies some Officer of the Court, as *Minister* was an Officer to Men of Quality. Thus we read in Ingulphus, De dono F. quondam militis Kenulfi Regis, fol. 860.

Afterwards the Word was restrained to him who served only upon some military Expedition, or rather to him who by reason of his Tenure

was bound to serve in the Wars, and in this Sense the Word *Miles* was taken *pro vassallo*. Thus in the Laws of *William the Conqueror*. *Manibus ei sese dedit, cuncta sua ab eo ut miles a Domino recepit.*

And he who by his Office or Tenure was bound to perform any military Service, was furnished by the Chief Lord with Arms, and so *adoptabatur in militem*, which the French call *adouber*, and we to *dub* such a Person a *Knight*.

But before they went into the Service, it was usual to go into a Bath and wash themselves, and afterwards they were girt with a Girdle; which Custom of Bathing was constantly observed, especially at the Inauguration of our Kings, and then those *Knights* were made, who for that Reason were called *Knights of the Bath*.

*Knights-Court* Is a *Court-Baron*, or Honour-Court, held twice a Year under the Bishop of *Hereford*, at his Palace there; wherein those who are Lords of Manors, and their Tenants, holding by *Knight's Service* of the Honour of that Bishoprick, are Suitors; which Court is mentioned in *Butterfield's Surv.* fol. 244. If the Suitor appear not at it, he pays 2 s. *Suit-Silver* for Respite of Homage.

*Knighten-gyld* Was a *Gyld* in *London*, consisting of Nineteen *Knights*, which King *Edgar* founded, giving them a Portion of void Ground lying without the Walls of the City, now called *Postoken Ward*. *Stow's Annals*, pag. 151. This in *Mon. Ang.* 2. pag. fol. 82. a. is written *Cnittene-geld*.

*Knights Baneret*. See *Baneret*. *John Coupland* (for his valiant Service against the *Scots*) had the Honour of *Baneret* conferred on him and his Heirs for ever by Patent. 29 *Edw.* 3. part. 1. m. 2.

*Knights of the Bath*: See the Antiquity and Ceremony of their Creation in *Dugdale's Antiquities of Warwickshire*, fol. 531, 532. They are so called from their Bathing the Night before their Creation; their Place is before *Knights Bachelors*, and after *Baronets*. This Order was re-established by his present Majesty King *George* in the Year 1725; who erected the same into a Regular military Order for ever, by the Name and Title of *The Order of the Bath*, to consist of thirty-seven *Knight* besides the Sovereign.

*Knights of the Chamber*, (*Milites Camerae*.) Mentioned in 2 *Inst.* fol. 666. and in *Rot. Pat.* 29 *Ed.* 3. par. 1. m. 29. seem to be such *Knights Bachelors* as are made in Time of Peace, because knighted commonly in the King's Chamber, not in the Field, as in Time of War.

*Knights-fee* (*Feodum Militare*) Is so much Inheritance, as is sufficient yearly to maintain a *Knight* with convenient Revenue; which in *Henry* the Third's Days was 15 l. *Cam. Britan.* pag. 111. But Sir *Thomas Smith*, in his *Repub. Angl.* lib. 1. cap. 18. rates it at 40 l. And by the Statute for *Knights*, 1 *Ed.* 2. cap. 1. such as had 20 l. per Ann. in Fee, or for Life, might be compelled to be *Knights*; which Statute is repealed by 17 *Car.* 1. cap. 20. *Stow*, in his *Annals*, p. 285. says, There were found in *England*, at the Time of the Conqueror, 60211 *Knight-Fees*, according to others, 60215; whereof the religious Houses, before their Suppression, were possessed of 28015 *Off. Caruata terra fa iunt feodum unius militis. Mon. Angl.* 2. pag. fol. 825. a. Of this, you may read

more in *Selden's Titles of Honour*, fol. 691. and *Bracton*, lib. 5. Tract. 1. cap. 2. See *Coke on Littl.* fol. 69. a. a *Knight's Fee* contained Twelve Plowlands, 2 Part. *Inst.* fol. 596. or 680 Acres. *Virgata terra continet 24 Acres*, 4 *virgata terra* make an Hide, and five Hides make a *Knight's Fee*, whose Relief is five Pounds.

*Knights of the Garter*, *Equites Garterii*, or *Periscelidis*, Are an Order of *Knights* first created by King *Edw.* the Third, after he had obtained many notable Victories, who, for furnishing of this Honourable Order, made a Choice out of his Realm, and all Christendom, of the best and most excellently renowned *Knights* in Virtue and Honour, bestowing this Dignity upon them, and giving them a blue *Garter*, decked with Gold, Pearl, and precious Stones, and a Buckle of Gold, to wear daily on the left Leg only, a Kirtle, Crown, Cloak, Chaperon, a Collar, and other stately and magnificent Apparel, both of Stuff and Fashion; exquisite and heroical to wear at high Feasts, as to so high and princely an Order was meet. Of which he and his Successors, Kings of *England*, were ordained Sovereigns, and the rest Fellows and Brethren, to the Number of Twenty-six. *Smith de Rep. Anglor.* lib. 1. ca. 20. This Honourable Society is a College or Corporation, having a common Seal belonging to it, and consisting of a Sovereign Guardian, which is the King of *England*, that always governs this Order by himself, or his Deputy; of Twenty-five Companions called *Knights of the Garter*, of Fourteen secular Canons that be Priests, or must be within one Year after their Admission; Thirteen Vicars, also Priests, and Twenty-six poor *Knights*, that have no other Sustainance, or Means of Living, but the Allowance of this House, which is given them in respect to their daily Prayer to the Honour of God and St. *George*. There be also certain Officers belonging to this Order, viz. The Prelate of the *Garter*, which Office is inherent to the Bishop of *Winchester* for the Time being; the Chancellor of the *Garter*; the Register, who is always Dean of *Windsor*; the Principal King at Arms, called *Garter*, whose chief Business is to manage and marshal their Solemnities at their yearly Feasts and Installations. Lastly, The Usher of the *Garter*, who is also the Usher of the *Black-Rod*. The Site of this College is the Castle of *Windsor*, with the Chapel of St. *George*, erected by *Edward* the Third, and the Chapter-House in the said Castle, and their Solemnity upon St. *George's* Day. *Cambden* saith, This Order received great Ornament from *Edward* the Fourth. *Ferne's Glory of Generosity*, pag. 120. And that most pious Prince *Charles* the First, as an Addition to their Splendor, ordered all the Companions of the Order to wear on the left Side of their upper Garment, the Cross of *England* encircled with the *Garter* and Motto, from whence round about are cast Beams of Silver like the Rays of the Sun in full Lustre. See *Garter*. I hear of a large Tract concerning this Order, written by *Elias Ashmole* Esq; which see for further Satisfaction.

*Knights of the Order of St. John of Jerusalem*. *Milites Sancti Johannis Hierosolymitani*, were an Order of *Knighthood*, that began about the Year of Our Lord 1120. *Honorius* being Pope. They had their Denomination from *John* the charitable Patriarch of *Alexandria*, though vowed to St. *John* the Baptist their Patron; *Ferne's Glory of Generosity*, pag. 127. They had their Primary



Abode at first in *Jerusalem*, and then in the *Ile of Rhodes*, until they were expelled thence by the *Turks*, Anno 1523. Since which Time their chief Seat is in the *Ile of Malta*, where they have done great Exploits against the *Infidels*, but specially in the Year 1595. They live after the Order of *Friers*, under the Rule of *St. Augustine*. Of whom Mention is made in the Statute 25 H. 8. cap. 2. and 26 H. 8. cap. 2. They had in *England* one general Prior that had the Government of the whole Order within *England* and *Scotland*, Reg. Orig. fol. 20. and was the first Prior of *England*, and sat in the Lord's House of Parliament. But towards the End of *Henry* the Eighth's Days, they in *England* and *Ireland* being found over-much to adhere to the Pope against the King, were suppressed, and their Lands and Goods given to the King, by 32 H. 8. 24. The Occasion and Propagation of this Order more especially described, you may read in the Treatise, entitled, *The Book of Honour and Arms*, lib. 5. cap. 18. written by Mr. Richard Jones.

**Knights of Malta.** See *Knights of the Order of St. John of Jerusalem*.

**Knight Marshal** (*Marescallus Hospitii Regis*) Is an Officer of the King's House, having Jurisdiction and Cognizance of any Transgression within the King's House, and Verge of it; as also of Contracts made within the same House, whereto one of the House is a Party. Reg. of Writs, f. 185. a. and 191. b. and *Spelman's Gloss.* in voce *Marescallus*.

**Knights of Rhodes.** 33 H. 8. 2. 24. See *Knights of the Order of St. John of Jerusalem*.

**Knights of the Temple, Templarii**, Otherwise called *Templars*, was an Order of Knighthood instituted by Pope *Gelasius*, about the Year of our Lord 1117. and so called, because they dwelt in a Part of the Building belonging to the Temple at *Jerusalem*, not far from the Sepulchre of our Lord. They entertained Christian Strangers and Pilgrims charitably, and in their Armour led them through the Holy Land, to view the sacred Monuments of Christianity, without fear of *Infidels*. This Order increasing and continuing by the Space of 200 Years, was far spread in Christendom, and namely here in *England*; but in Process of Time, some of them at *Jerusalem* being (as some Report) found to fall away to the *Saracens* from Christianity, or rather, because they grew too potent, the whole Order was suppressed by *Clemens Quintus*, 1309. and by the Council of *Vienna*, 1312. and their Substance given partly to the *Knights of St. John of Jerusalem*, and partly to other Religious. *Cassan. de gloria Mundi*, part 9. confid. 5. and Anno 1. cap. 24. These flourished here in *England* from *Henry* the Second's Days, till they were suppressed. They had in every Nation a very particular Governour, whom *Bracton*, lib. 1. cap. 10. calls *Magistrum militiae Templi*. The Master of the Temple here was summoned to Parliament, 49 H. 3. m. 11. in *Schedula*; and the Chief Minister of the Temple Church in *London* is still called *Master of the Temple*. Of these *Knights*, read *Dugdale's Antiquities of Warwickshire*, 706. In ancient Records, they were also called *Patres Militiae Templi Solomonis*. Mon. Ang. 2 part. fol. 554.

**Knight-Service** (*Servitium Militare*) Was a Tenure, whereby several Lands in this Nation were held of the King, which drew after it Homage and Service in War, Escheage, Ward, Marriage,

&c. but is taken away by Statute 12 Car. 2. cap. 24. In *Domesday-Book*, some Land holden by *Knights-Service* is called *Tainland*, and Land holden by Socage, *Reveland*, fol. 86. a. *Servitium militare nulli nisi Regi & Regni principibus debetur*. Mar. Paris. Anno 1246.

**Knights of the Shire**, (*Milites Comitatus*) Otherwise called *Knights of Parliament*, are two Knights or Gentlemen of Worth, chosen upon the King's Writ, in pleno Comitatu, by the Freeholders of every County that can dispend 40 s. per Annum, Anno 1 Hen. 5. cap. 1. and 10 H. 6. cap. 2. who are in Parliament to consult in Behalf of the Commons of *England*, touching the publick Affairs of the Realm. These, when every Man having a Knight's Fee, was customarily constrained to be a Knight, were of Necessity to be *Milites gladio cincti*, for so runs the Writ at this Day. But now Custom admits *Esquires* to be chosen to this Office. Quod *Milites Comitatus pro Parlamento extunc eligendi sint Milites notabiles de eisdem Com. pro quibus sic eligentur, seu aliter Notabiles Armigeri, homines generosi de Nativitate de eisdem Com. qui sint habiles existere Milites, & quod nullus homo sit talis Miles, qui in gradu valetti & inferiori existit, prout in Statuto continetur, viz.* 23 H. 6. In breve de Sum. ad Parl. Claus. 39 Hen. 6. in dorso. m. 41. For the Choice of these *Knights*, see the Statutes 7 Hen. 4. cap. 15. 23 Hen. 6. cap. 15. with others. Their Expences are to be born by the Country, 35 H. 8. cap. 11. tho' now seldom or never required. They must have 500 l. per Annum.

**Knopa**, A Knob, Nob, Bosse, or Knot. — *Textus super Evangelii cum uno clasp habens ex uno latere quinq; Knopas argenteas, &c.* Mon. Angl. Tom. 3. p. 365.

**Known-men**, The *Lollards*, or good Christians in *England* called *Hereticks*, for opposing the Corruptions and Errors of the Church of *Rome* before our happy Reformation, went commonly under the Name of *Known-men*, and *Just Fast-men*; which Title was first given them in the Diocese of *Lincoln*, under *William Smith* Bishop, 1500. See *Fox Martyrol.* Vol. 2. pag. 32. &c.

**Kyddiers**, 13 Eliz. cap. 35. See *Kidder*.

**Kylw.** — Et sint quieti de passu & Kylyw & omnibus aliis exactionibus, quas *Forestarii* & alii ballivi solent exigere. Mon. Angl. 1 par. fol. 722. Perhaps it may signify some liquid Thing, exacted by *Foresters*. See *Sotale*. We have to this Day in the North the Word *Kele*, which the Country People use for liquid *Viuals*.

**Kylse**, A Coffin or Chest for Burial of the Dead, Sir *Tho. Cumberworth* Kt. made this fanciful Will in the Year 1450. — *Furst, I Gyffe My Sowle to God my Lord and my Redemptor, and my wretched Body to be Beryed in a Chitte without any Kyfte in the North yle of the Pariss-Kirke of Somerby. — But I will my Kyfte be made and stand by, and at my Bereall Giff it to hym that fills my Grave.* Ex Reg. *Marmaduci Lumley* Episc. *Lincoln.* MS.

## L

**Label**, The narrow Slip of Paper or Parchment affixed to a Deed or Writing, for an appending Seal, is called a *Label*. So any Paper annexed by Way of Addition or Explication to a Will or Testament, is called a *Codicil* or *Label*.

**Labina**, Watery Land; in qua facile labitur: We read it in the *Monasticum*, 2 Tom. pag. 372. *Famque diversi Ligei juxta Hospitale noctanter trans-  
euntes in aquis & Labinis periclitantur.*

**Labozartus** Is a Writ that lies against such as having not whercof to live, do refuse to serve, or for him that refuseth to serve in Summer where he served in Winter. *Reg. Orig. fol. 189.*

**Lacerta** Is a Word mentioned in *Domesday-Book*, and there signifies a Fathom.

**Laches** Cometh of the French *Lascher*, id est, *Laxare*; or *Lasche*, ignavus, and signifies Slackness or Negligence, as appears in *Littleton*, sect. 403 & 726. where *Laches* of Entry is nothing else but a Neglect in the Heir to enter; whereupon, I take Liberty to guess, that it may be an old English Word, as when we say, There is *Laches* of Entry, it is all one as if we should say, There *Lack* is of Entry, or there is *Lack* of Entry; and indeed it hath no other Signification for so is it used, *Lit. fol. 136.* and *Old Nat. Brev. fol. 110.* So where a Man ought to make or do a Thing, and he makes or does it not, I of his *Lakes* cannot have an Assise, but must take an Action upon the Case. See *Coke on Litt. fol. 246 & 380.*

**Lacta**, A Defect in the Weight of Money: *Assisum est de moneta quod vetus moneta curvat, unde quolibet libra sit Lacta 2 s. 6 d. ad plus, & illa libra que plus lactavit, & Denarii qui plus lactaverint, perforentur & reddantur, &c.* From hence we derive the Word *Lack*. *Du Fresne.*

**Lactodolum**. *Stony Stratford.*

**Lada**, A Lade, Lath or Court of Justice, from Sax. *Lathian*, to Convene or Assemble. Hence the annual Court at *Dim-Church* in *Romney-Marsh* held about *Michaelmas*, for the Election of a Bailiff and other Officers, is called the *Lath*, and *Dim-church-lath*. See *Leits*.

**Lada**, A Purgation by Trial, from Sax. *Ladian*, to purge by Submission to any legal Method of Acquittal. Hence the *Lada simplex*, and the *Lada triplex*, or *Lada plena*, among our Saxon Ancestors, mentioned in the Laws of King *Ethelred*, and of *Hen. 1.* See *Spelman's Glossary*.

**Lada**, A Lade, Load, or Course of Water. — *Ex parte scilicet orientali navigii vel Ladæ usq; ad locum qui dicitur Gangsefede.* *Histor. Rames. Edit. Gale, cap. 113.* Where *Navigium* is properly *Navigerium*, and has the like Sense of a navigable River. And *Spelman* tells us, that *Lada* is a Canal to carry Water from wet Grounds, but it sometimes signifies a broad Way, viz. *Unde placitum fuit inter eos, &c. viz. quod omnes Ladæ quas monachi fecerint in illo marisco obstupantur, excepta illa magna Lada que vadit ad Wittlefsmare, &c. per quam monachi adducunt Lapides ad constructionem Monasterii.* *Monast. 1 Tom. pag. 854.*

**Lade**, *Lode*, i. e. the Mouth of a River; from the Sax. *Ladian*, *purgare*, because the Water is there clearer; from hence *Cricklade*, *Lechlade*, &c.

**Lædorum**, i. e. Reproach. *Facetiam in sermone plurimam observant dum vel sales vel Lædoria nunc levi lingua nunc mordaci.* *Girald. in descrip. Cambd. cap. 14.*

**Lafordswick** Is derived from the Saxon *Hlaford Dominus*, & *fwic proditio*, *Infidelitas erga Dominum*, a Betraying our Lord and Master. In the Laws of *Henry the First*, cap. 13. *Quedam Placita emendari, (i. e. Quodam crimina expiari) non possunt,*

*Husbreech*, *Berner*, *Openthefe*, *Ebermath*, and *Lafordswick*, which Word is also found in *Canutus's* Laws, cap. 61. which some Authors have written corruptly *Labordfith*.

**Laga**, *Lex*, The Law, *Lagam Regis Edwardi vobis reddo, cum illis emendationibus, quibus Pater meus eam emendavit*, says *Magna Charta*. Hence we deduce *Saxon-lage*, *Mercen-lage*, *Dane-lage*, &c.

**Lagan**, At first, was that Right which the Chief Lord of the Fee had to take Goods which were cast on the Shore by the Violence of the Sea; but afterwards it signified a Right which any one had to Goods which were Ship-wrecked, and floating in the Sea. Thus *Bracton*, viz. *Quæ si in mare longius a littore inveniantur, ita ut constare non possit ad quam terram essent applicanda, tunc quicquid ita inventum fuerit, erit inventoris, adeo quod in nullius bonis esse dicantur, & dicitur a nantibus Lagan.* *Lib. 3. cap. 2.* But now *Lagan* is taken for Goods sunk in the Sea, from the Sax. *Liggan*, *cubare*, & non a *ligando*. See *Flotson*.

**Lagedayum**, *Laghday*, A Law-day, or Time of open Court. — *Una cum omnibus sectis*

*Lagedayorum, quæ Prior de Ledes, & omnes alii eorum terentes debuerunt ad Laghdaya mera de Nemen-ton per tenementa quæ de ipsis tenent in Hundredis prædictis. Charta Almerici de Lucy apud W. Thorn sub anno 1280. — Sint quieti de secta illius Hun-dredi — excepto quod villani sui ter in anno veni-ent ad la Laghday ad presentandum placita corona sine occasione.* *Mon. Angl. Tom. 1. p. 279.*

**Lageman**, or *Lahman*, (*Lagamannus*) *Homo legalis seu legitimus*; Such as we call now *Good Men* of the *Fury*. I find the Word in *Domesday*, and in the Laws of *Edward the Confessor*, cap. 38. thus, *Postea inquisisset Justitia per Lagamannos, & per meliores homines de Burgo, &c.* But in *Libro albo de Suthwel*, *Ulvet* the Son of *Forno* is said to have been *Lagaman* of the City of *York*. Where doubtless it signified some Chief Officer, as Judge or Recorder. My Lord *Coke* in his *Comment on Littleton*, sect. 73. was of Opinion, that a *Lageman* was he who had *soam & sacum super homines suos*, i. e. who had a Jurisdiction over their Persons and Estates, and those were the *Thaines* or *Barons* of that Age; so that this *Ulvet* the Son of *Forno* might be one of the *Barons* who lived in *York*.

*Sommer* and *Lambard* were of the same Opinion, that the Word signified the *Thaines*, called afterwards *Barons*, who sat as Judges to determine Mens Rights in Courts of Justice; as, in *Senatus consult. de Monticulis Wallia*, cap. 3. 'tis said, let 12 *Lahmen*, which *Lambard* renders Men of Law, viz. six English and six Welsh, do Right and Justice, &c.

**Lagen**, (*Lagena*) *Fleta*, lib. 2. cap. 8, 9. In ancient Time it was a Measure of six *Sextarii*. Hence perhaps our *Flagon*. *Donatio insuper de sex Lagenis olei annuatim.* *Charta 2 Edw. 3. m. 25. n. 82.* The Lieutenant of the Tower has the Privilege to take *unam Lagenam vini, ante malum & retro*, of all Wine-Ships that come up the *Thames*. Sir *Peter Lyecester*, in his *Antiquities of Cheshire* interprets *Lagena Vini*, a Bottle of Wine. See *Minstrel*.

**Lagon**, or *Lagan*, Is such a Parcel of Goods as the Mariners in Danger of Ship-wreck cast out of the Ship, and because they know they are heavy and sink, they fasten to them a Buoy or Cork, that so they may find and have them again. If the Ship be drowned, or otherwise perish,

perish, these Goods are called *Lagan* or *Ligan*, a *ligando*, and so long as they continue upon the Sea, they belong to the Admiral, but if they are cast upon the Land, they are then called a *Wreck*, and belong to him that hath the *Wreck*, as appears in *Co. lib. 5. fol. 106.*

*Lahslite*, *Laghlite*, *Laghlite*, *Transgressio Legis*, A Breach of the Law, and sometimes the Punishment for breaking the Law. *Si quis Dei rectitudines per vim teneat, solvat Lahslite cum Dacis, plenam Wytam cum Anglis.* Leg. Hen. 1. cap. 13. *Lamb. Explic. of Saxon Words, verbo Multa.*

*Laa*, The same with *Lada*. *Mon. Angl. 1 Tom. pag. 483:* A broad Way in a Wood.

*Lairwite*, *Lecherwite* and *Legegeldum*, *Pœna vel multa* offenditium in *Adulterio* & *Fornicatione*, which Privilege did anciently belong to some Lords of Manors, in Reference to their Villains and Tenants, which *Fleta*, lib. 1. cap. 47. seems to infer. See *Co. 4. Inst. fol. 206.*

*Laised Lists*, Anno 1 R. 3. cap. 8.

*Lambote*, — *Manerium de Bertou parva reddit aule Thomæ de Redgrave annuatim ad pascha, 1111. denar. & aule de Cnapwel de Tudenham annuatim, 11. Denar. eo quod le pyse molendini Domini debent jungere pastura de Tudenham, & habere in illa pastura Lambote.* — *Ex Cartular. S. Edmundi, MS. f. 111.*

*Lammæmas*, (Anno 23 H. 8. cap. 4.) Is the First of *August*, and so called *quasi Lamb-Mass*, because *Lambs* were not then fit to eat, they were grown too big; *aliter*, from the Saxon *Hlafmasse*, q. d. *Loaf-Mass*, because on that Day the *Englisb* made an Offering of Bread made with new Wheat. On which Day, the Tenants that held Lands of the Cathedral Church of *York*, (which is dedicated to *St. Peter ad Vincula*) were bound by their Tenure to bring a live *Lamb* into the Church at High Mass on that Day. See *Gule of August*.

*Lammesilver*. *Inter antiquas consuetudines Abbatie de Sancto Edmundo.* — *Capiunt etiam quidam, ex pradiis Seruientibus Glovesilver, in festo S. Petri ad vincula, & habent eodem die, 1. den. ad Lammesilver, & qui unque capit unum denar. ad Glovesilver habebit eodem die 1. ob. ad Lammesilver.* *Ex Cartular. S. Edmundi, MS. p. 323.*

*Lana placabilis*, Fine Wool. *Noveritis nos tenere in centum facis bona lanæ & placabilis sine cot. & gard. pro certa summa pecunia.* *Cartular. Radings. MS. f. 208.*

*Lancetagiū*. — *Willielmus de Blanchivill tenet novem acras in Polingessland, quæ fuerunt eschatra unde quatuor acra fuerunt libera & quinq; acra Lancetagiū.* — *Johannes Filius Richardi tenet XX. acras per cartam quæ fuerunt Lancetagiū de dono Gilberti de Alvendon.* *Cartular. S. Edmundi. MS. f. 401.*

*Lanceti Volo* etiam quod habeant omnia americana hominum suorum, tam liberorum quam Lancetorum in *Leta mea*. *Carta. Will. de Albineo, Canonio Wimundham.* These *Lanceti* were *Agricolæ* quidam sed ignote speciei. *Spelm.*

*Land*, *Terra*, In a general and legal Signification, includeth not only all Kinds of Grounds, as *Meadow*, *Pasture*, *Arable*, *Wood*, &c. but *Houses* and all *Edifices* whatsoever; but in a more restrained Sense it is taken only for *Arable Ground*. *Co. on Litt. lib. 1. cap. 2. sect. 14.* says, *Terra est nomen Generalissimum & comprehendit omnes species terræ*, but properly *terra dicitur a tenendo, quia vomere teritur*; and anciently it was

written with a single *r*, and in that Sense includes whatever may be plowed. The Earth hath in Law a great Extent upwards, for *Cujus est solum ejus est usque ad cælum.* *Co. 9 Rep. Alured's Case.*

*Landa*, A *Lawnd*, or open Field, without *Wood*. *Robertus Comes Legecestria Radulpho Pincerna & omnibus Baronibus & fidelibus suis salutem. Sciatis me dedisse servo Dei Malgero Monacho Eleemosynam parvam Landam, ad Mansiones & oratorium ibidem faciend. Testibus, &c.* *Sine dat.*

*Land-boc*, A *Charter*, or *Deed*, whereby *Lands* or *Tenements* are given, or held. *Sic Anglo-Saxones Chartas & instrumenta nuncupant, pradiorum Sessiones, jura & firmitates continentia*, says the Learned *Spelman*; And we read in *Concil. Synodal. apud Clovesho, Anno Dom. 822. ut prefata Abbatissa prænominatam terram & cum libris quos Angli dicunt Land boc, — in perpetuam hereditatem traderet.*

*Land-cheap*, An ancient customary *Fine*, paid either in *Cattle* or *Money* at every *Alienation* of *Land* lying in some peculiar *Manor*, or the *Liberty* of some *Borough*. As at *Malden* in *Essex*, there is yet a *Custom*, that for certain *Houses* and *Lands* sold within that *Borough*, *Thirteen Pence* in every *Mark* of the *Purchase-Money* shall be paid to the *Town*; and this *Custom* of *Land-cheap* they claim *inter alia*, by a *Grant* made to that *Town* by the *Bishop of London, Anno 5 H. 4.* *Somner* in his *Saxon Dictionary* says, *Land cheap est fortasse pretium fundi pacto datum vel debitum.* The Word is also read in *Spel. de concil. vol. 1. fol. 502.*

*Landca*, A *Ditch* made near wet *Lands*, to receive the *Water* and carry it into the *Sea*: *Vera judicia & awards faciat de Vallis, Landeis & Watergangiis.*

*Landefricus*, (Somner *Landefricus*) The Lord of the Soil, or the *Landlord*: From the Sax. *Land, terra*, and *Rica, Rector.* *Et omnis erat sibi Lagam 12 Oris dimidium Landefrico, dimidium Wapentako.* *Leg. Ethelred. cap. 6.* See *Landricus*.

*Landegandman* Was one of the inferior Tenants of a *Manor*. *Custumaricium genus seu inferiorum tenentium Manerii*, says the Learned *Spelman*, who adds, — *Occurrit vox in Custumar. de Hecham.*

*Land-gable* Is a *Tax* or *Rent* issuing out of *Land*, according to *Domesday*. *Census pradialis vel tributum quod a pradiis colligitur*; that is, says *Spelman*, a *Penny* for every *House*; the *Welsh* use *Pridgavel* for *Langavel*.

This *Langavel* or *Landgable* in the Register of *Domesday*, was a *Quit-Rent* for the Site of a *House*, or the *Land* whereon he stood, the same with what we now call *Ground-Rent*. — *Tobi Filius Outi habuit in Civitate XXX Mansiones præter suam Hallam & duas Ecclesias & dimidiam — & super Mansiones habuit locationem, & præter hoc de unaquaq; unum denarium, id est, Landgable.* *Domesday, Lincoln.*

*Landinura* Est *terra limes vel terminus*. From the Sax. *Gemara, i. e. Terminus*, and from hence we say *Meers*.

*Landmærg*, *Agri mensesores*, Measures of *Land* so called of old.

*Landmæra*, Those *Services* and *Duties* which in the *Saxon* Times were laid upon all that held *Land*, which were three Obligations called *Trinoda necessitas*, *Expedition*, *Burghbote* and *Brigbote*: Which *Duties* the *Saxons* did not call *servitia*, because they were not *Feudal Services* arising

sing from the Condition of the Owners, but *Landedness*, Rights that charged the very Land who-soever did possess it, Churchman or Layman. *Vide Spelman of Feuds, cap. 10.*

**Landman, Terricola, the Terre-Tenant.**

**Landicus, A Landlord.**

**Land-tenant** Is he that actually possesses the Land, or hath it in his manual Occupation. 14 E. 3. Stat. 5. cap. 3. 23 E. 3. cap. 1. 26 E. 3. Stat. 5. cap. 2. See *Terre-Tenant*, & 12 R. 2. cap. 4. 4 H. 4. cap. 8. it is joined with this Word Possessor, as *Synonymon. Anno 1 H. 6. cap. 5. See Terre-Tenant.*

**Lantectus, Quare an Lanteus.** *Homines tam extra burgum quam infra debent eadem libertate frui infra banlicam præter Lantecos de Herdewyke & paves eorum*—— Cartular. S. Edmundi, MS. fol. 316.

**Langabelum.** See *Langabilum.*

**Langemanni.** *Item in ipsa Civitate erant 12 Langemanni, i. e. Habentes Socam & Sacam.* *Domesday, Tit. Lincolnshire.* Sir Edw. Coke writes them *Lannemanni*, and interprets them Lords of Manors, *habentes Socam & Sacam de tenentibus & hominibus suis.* 1 Inst. fol. 5. a.

**Langolium,** An under Garment made of Wool, formerly worn by the Monks, which reached down to their Knees; so called, because *Lanea fit*: We read it in the *Monast.* 1 Tom. pag. 419. *ad vestiendum autem suscipiunt, &c. duo Langeola & omnia Lanea.*

**Langerode,**—— In Collingham,—— *qualibet due bovata terra facient unum quarterium de brasio ordeï, vel duo quarteria de brasio avenæ, vel redent 111. denar. in festo Apostolorum Petri & Pauli; item qualibet due virgate facient 1 Langerode, vel dabunt 1111. den. in eodem festo,*—— Ex Cartulario S. Petri de Burgo, Swafham dicto. MS. fol. 139.

**Lanis de crescentia Vallis traducendis absque Custuma, &c.** Is a Writ that lieth to the Customer of a Port, for the permitting one to pass over Wools without Custom, because he hath paid Custom in *Wales* before. See the *Register*, fol. 279.

**Lanterium,** The Lantern, Cupolo, or Top of a Steeple.—— *Walterus Skyrlaw Episcopus Dunelmensis (obiit 1405) magnam partem campanilis, vulgo Lanterii, Ministerii Eboracensis construxit, in medio cuius operis arma sua posuit.* *Angl. Sacr. P. 1. pag. 775.*

**Lano niger.**—— One Sort of base Coin. *Rex misit Johannem de Gloucester ad monetam retonsam & conterfectam*—— *arrestandam*—— *idemque Johannes ad Sandwic accedens,*—— *invenit ibidem monetam quandam videlicet nigrum Lanonem in partibus illis communiter currentem*—— & *inhibuit ne moneta illa de cetero curreret.* *Memorand. in Saccario. Mich. 22 E. 1. by Sir John Maynard.*

**Lapis Marmorius.** *Qui quidem Henricus de Cliff (Clericus Rotulorum) in magna Aula Westmin. apud Lapidem Marmorium in presentia Domini Cancellarii præstitit sacramentum, &c.* *Claus. 18 Edw. 2. in 1. Dorso.* This Marble Stone is about 12 Foot long and 3 Foot broad, and remains to this Day at the upper End of *Westminster-Hall*, where there is also a Marble Chair placed at the Middle of it, in which our Kings anciently sat at their Coronation-Dinner, and at other Times the Lord Chancellor; but over this Marble Table and Chair, are now erected the Courts of Chancery, and Kings-bench. See *Orig. Jurid. fol. 27.*

**Lapis vaticus,** The same with *Osculum pacis*: *Ipsa quoque sacrista, &c. recipiat ad fenestram aquam benedictam & lapidem pacis, &c.* *Du Cange.*

**Lapse, Lapsus,** Is the Omission of a Patron to present to a Church, within six Months after voidable; by which Neglect, Title is given to the Ordinary to collate to the said Church: We say that Benefice is in *Lapse*, or *lapsed*, whereunto he that ought to present hath omitted or slipped his Opportunity. 13 Eliz. cap. 12. This *Lapse* happens, as well the Patron being ignorant of the Avoidance, as Privy, except only upon the Resignation of the former Incumbent, or the Deprivation upon any Cause comprehended in the Statute of 13 Eliz. 12. *Panor. in cap. quia diversitatem, num. 7. de concess. Præbend. &c.* In which Cases the Bishops ought to give Notice to the Patron.

**Larceny** (Fr. *Larrecin*, Lat. *Latrocinium*) Is a Theft of personal Goods or Chattels in the Owner's Absence; and in respect of the Thing stolen, it is either great or small. *Great Larceny* is when the Things stolen, though severally, exceed the Value of xii d. *Petit Larceny* is when the Goods stolen exceed not that Value. Of this, see more in *Staundf. Pl. Cr. lib. 1. cap. 15, 16, 17. Inter minuta autem furta* (says *Spelman*) *quæ Forenses vocant Petty Larcenies, olim habebantur equi & bovis substractio, ut perspicuum est ex Affis Hen. 2. Clarendonia editis, ubi sic legitur. Hæc Affisa attenebit*—— *in murdro & prodicione & iniqua combustione & in omnibus predictis, nisi in minutis furtis & roberiis, quæ facta fuerunt tempore guerra, sicut de equis & bobus & minoribus rebus.*

**Lardarium,** The Larder, or Place where the Lard and Meat were kept.—— *Tenentes de Pidington caviabant salem Domini de foro ubi emptus fuerit ad Lardarium Domini.* *Paroch. Antiquit. pag. 496.* Whence *Larderarius Regis*, the King's *Larderer*, or Clerk of the Kitchen.

**Larding-Money.** In the Manor of Bradford in *Com. Wilts*, the Tenants pay to the Marquess of Winchester, their Landlord, a small yearly Rent by this Name: Which I conceive to be for Liberty to feed their Hogs with the Mast of the Lord's Woods; the Fat of a Hog being called *Lard*. This was called *Lardarium* in old Charters, & *decimam lardarii de Haga.* *Monast. 1 Tom. 321.* And those were called *Lardarii*, who were the Chief of the *Lardery*, viz. *Rogorum Lardarium suum.* *Eadmerus, lib. 3. pag. 66.* Thus Mr. Blount, who seems mistaken in the Etymology: For I take it to have been rather a Commutation for some customary Service of carrying Salt or Meat to the Lord's *Larder*.

**Lardose.** In the Choir of the Cathedral of Durham, the High Altar and St. Cuthbert's Ferretory is all of the French *Pierre* curiously wrought, both inside and outside, with fair Images of Alabaster and gilt, being called in the ancient History, the *Lardose.* *Davies Rites and Monum. of Durham, pag. 12.*

**Larons** Is the French Word for Thieves. In the Statute for View of *Frank-pledge* made 18 Ed. 2. the fourteenth Article, to be given in Charge at a Leet, is of *Petty Larons*, as of *Geese, Hens, &c.*

**Lashlite, i. e. Legis violatio**: From the Saxon *Lab, lex, and slite, raptio.* *Si quis decimam contrahenteat, reddat Lashlite cum Dacis, Witam cum Anglis. LL. Eccles. Aluredi Regis.* It denoted the Danish common Forfeiture, which was Twelve Ores;



Ores; every Ore valuing about xvi d. or xx d. Sterling. *Seldon's Hist. of Tithes*, pag. 203.

**Assassini** Is often mentioned in *Walsingham*, and signifies Assassines or Murderers. Anno 1271.

**Last**, (Sax.) *Hlæstan*, *onerare*, *Last*, (Fr.) signifies a Burden in general, and particularly a certain Weight or Measure. As a Last of Pitch, Tar or Ashes, contains fourteen Barrels. 32 *Hen. 8. cap. 14.* A Last of Hides or Skins, Twelve Dozen. 1 *Fac. cap. 33.* A Last of Cod-Fish, Twelve Barrels, 15 *Car. 2. cap. 7.* A Last of Herring, contains Twenty Cades, or Thousand; every Thousand, Ten Hundred; and every Hundred Six-Score. A Last of Cole-Seed is Ten Quarters and a half; and the like of Oats. A Last of Corn, or Rape-Seed, is Ten Quarters; in some Parts of England, they reckon Twenty-one Quarters to a Last of Corn. A Last of Wool is Twelve Sacks. A Last of Leather is Twenty Dickers, and every Dicker Ten Skins. Of Unpacked Herrings, Eighteen Barrels make a Last. A Last of Pilchards is Ten Thousand. A Last of Powder is Twenty-four Firkins, every Firkin weighing a Hundred Pounds. A Last of Osmonds is four Thousand Weight. *Sed cum discederent* (mercatores) 4 *denarios de unoquoque* Leith habebant Rex & Comes. Sc. *Cestrie*. LL. *Edw. Conf. apud Selden. Tit. Hon. f. 620.*

Last also, in the *Marshes of East Kent*, signifies a Court held by Twenty four Jurats, and summoned by the two Bailiffs thereof, wherein they make Orders, lay and levy Taxes, impose Penalties, &c. for Preservation of the said Marshes. See the *Hist. of Imbanking and Draining*, fol. 54.

**Lastage**, *Lastage*, and *Lasting*, (*Lastagium*, from the Sax. *Last*, i. e. *onus*) A Custom exacted in some Fairs and Markets to carry Things bought where one will, (according to *Rassal*.) But 21 *Rich. 2. cap. 18.* it is taken for the Ballast or Lading of a Ship. In a Charter of Henry the Third, to the Monastery of *Semplingham*, thus; *Et sint quieti de Theolonio, & pontagio, & passagio, & pedagio, & Lastagio, & stallagio.* Where it is to be understood in the former Signification. *Omnes homines London. sint quieti & liberi & omnes res eorum per totam Angliam, & per portus maris, de theolonio, & passagio, & lastagio, & ab omnibus aliis consuetudinibus.* Diploma Hen. 1. de Libertatibus London.

**Lastage** (says another Author) Is properly that Custom which is paid for Wares sold by the Last, as Herrings, *Pit. b.* &c.

**Lastage** Was also used for Garbage, Rubbish, or such like Filth, as appears by this Record; *Et quod nullus de cetero aliqua hujusmodi immunda visceralia, exitus & intestina bestiarum, aut fimos, fimaria, sterquilina, sordes, mucos, rubbosa, Lastagium, aut alia sordida in aqua Thamefis ponat vel projiciat, &c.* *Claus. 16 Rich. 2. Dori. 11.*

Last here, *Ultimus heres*, Is he to whom Land comes by Escheat, for want of lawful Heirs, that is, the Lord of whom they held in some Cases, but in others the King. *Quippe Rex omnium heredum ultimus est, uti Oceanus omnium fluviorum receptaculum.* *Bract. lib. 7. cap. 17.*

**Lastum.** See *Lastes*.

**Latera**, *Sides-men*, Companions, Assistants.—*Novit autem vestra discretio quod salus Ecclesie Anglicane, & etiam Regni, plurimum dependet a venerabili Patre Domino Archiepiscopo Cantuar. quapropter necessa-*

*ria sunt ei Latera non solum que sapiant jura regni, sed & que sapiant jura Dei—* talibus lateribus juviter fulciatur Dominus Archiepiscopus.— *Epist. Rob. Groshead apud Append. ad Fasciculum. p. 388.*

**Laterat**, To lie Side-ways, in Opposition to lying End-ways.—*unani peciam prati apud Langemed que capit ad Regiam stratum, & Laterat ad terras heredum Nicholai de Sandwyco militis—* *Dat. Anno 1317. Ex Registr. Eccl. Christi Cantuar. MS.*

**Lathre** or **Leth**, (*Lastum*, *Leds*) Sax. *Lathe*, Is a great Part of a County, sometimes containing three or more Hundreds or Wapentakes; as it is used in *Kent*. *Suoque olim subaudiens Magistratui quem Ledgrevium appellabant. Et quod Anglice vocabant 3 vel 4 Hundreda, isti vocabant Thrihinga. In quibusdam vero Provinciis, Anglice, vocabant Læth, quod isti dicunt Trihinge. Quod autem in Trihinge definit non poterat, ferebatur in Scyram, i. e. in Curiam Comitatus: LL. Edw. Conf. cap. 35. Et sint quieti de sectis comitatuum, Leth, Hundred, & auxiliis Vicecomitum. Pat. 1 H. 4. part 8. m. 8.*

**Lathre** or **Leidgreve**, or **Thrihingeve**. An Officer under the Saxon Government, who had Authority over the third Part of the Country, or three or more Hundreds or Wapentakes: Whose Territory was thereupon called a *Tithing*, otherwise a *Leid* or *Leithen*, in which Manner the County of *Kent* is yet divided, and the *Rapes* in *Suffex* seem to answer the same; and perhaps the *Ridings* in *Yorkshire* being now corruptly so called for *Tridings* or *Tithings*. Those Matters that could not be determined in the Hundred-Court, were thence brought to the *Trihiring* where all the principal Men of three or more Hundreds, being assembled by the Authority of the *Lathre* or *Thrihingeve*, did debate and decide it; or if they could not, did then send it up unto the County-Court to be there finally determined. *Vid. Spelman's Antient Government of England.*

**Latimer** Seems to be used by Sir Edward Coke for an Interpreter. 2 *Par. Inst. fol. 515.* I suppose the Word is mistaken, and should be *Latiner*, because heretofore he that understood Latin, which, in the Time of the Romans, was the prevailing Language, might be a good Interpreter. *Camden* agrees, that it signifies a *Truchman*, or Interpreter, and says the Word is used in an old Inquisition. *Britan. fol. 598.* and may be derived or corrupted from the Fr. *Latinier. q. d. Latiner.*

**Latinarius**, An Interpreter of Latin; *Godwinus accipitrarius, Hugo Latinarius. In Domest. day.*

**Latin**, False Latin shall not quash an Indictment, nor abate any Declaration; for although the original Writ shall abate for false Latin, yet judicial Writs, or a Fine, shall not be impeached for false Latin: See *Co. 5. Rep. Long's Case*. But if the Word be not Latin, nor a Word allowed by the Law, as *Vocabulum artis*, (as every Art and Science hath its proper Terms) but be insensible; and if it be in a material Point, this makes the Indictment insufficient, as *Burglariter, murdrum, felonice*, and the like, be Terms of Art well known in the Law; and therefore if these Words, or the like, be mistaken in an Indictment, so that in a material Place there is an insensible Word, which is not Latin, nor any Word known in the Law, this will make the Indictment vicious and insufficient.

*Latitar.*

**Latitat** Is the Name of a Writ, whereby all Men in personal Actions are called originally to the King's Bench. *F. N. B. fol. 78.* And it hath the Name, as supposing that the Defendant doth lurk and lie hid; and therefore being served with this Writ, he must put in Security for his Appearance at the Day, for *Latitare est se malitiose occultare, animo fraudandi creditores suos agere volentes.* But the true Original of this Writ, was this; In ancient Time, while the King's Bench was moveable, and followed the King's Court, the Custom was, upon commencing of a Suit, to send forth a Writ to the Sheriff of the County where the Court lay, for the Calling him in, and if the Sheriff returned, *Non est inventus in Balliva mea,* &c. then was there a second Writ sued forth, that had these Words, *cum testatum est quod Latitat,* &c. and thereby the Sheriff commanded to attach him in another Place where he may be found. Now when the Tribunal of the King's Bench came to be settled at *Westminster*, the former Course of Writ was held for a long Time, first sending to the Sheriff of *Middlesex* to summon the Party, and if he could not be found there, then to apprehend him wheresoever; but afterwards upon Pretence of easing the Subject, and expediting Justice, it was contrived to put both these Writs into one, and so to attach the Party complained of, upon a Supposal or Fiction, that he was not within the County of *Middlesex*, but lurking elsewhere; and that therefore he was to be apprehended in any Place else, where he was presumed to lie hid, by a Writ directed to the Sheriff of the County where he is suspected to be. And by this Writ a Man being brought in, is committed to the Marshal of the King's Bench, in whose Custody, when he is, he may be sued upon an Action in that Court.

**Latro**, (*Latrocinium*.) He who had the sole Jurisdiction in a particular Place de *Latrone*. 'Tis mentioned in *Leg. W. 1. viz. Sciat is quod Abbati Ailist forcam, teloneum & Latronem habere concedo.* So in *Charta Hen. 1. apud Spelman, Sacam & Socam habere in totam terram suam & Latrocinium.* This Word in old Charters is frequently used for the Liberty of *Infangthecof*, or Privilege of judging and executing of Thieves.

**Latta**, A Lath. — *Mandatum ad cendulas & Lattas nostras* (i. e. our Shingles and Lattice,) *carandas a parco ad domos nostras reficiendas.* *Pat. 4. H. 3. P. 1. m. 10.* Hence a Lattice made of Laths.

**Lavatorium**, A Laundry, or Place to wash in. There was in Cathedral Churches commonly a *Lavatory* in the Porch, or Entrance, where the Priests and other officiating Members were obliged to wash their Hands, before they proceeded, to divine Service. Hence in the Statutes of the Church of *St. Paul* in *London*, it was ordained, *ut Sacrista Lavatorium in vestibulo per servientes frequenter mundari faciat.* — *Liber Statut. Eccl. Paul. London. MS. fol. 59. 6.* But it was commonly an Ewer.

**Lavatrix**. Bowes upon *Stainmore*.

**Laudare**, To advise, or rather to persuade. *Et Laudatum est Regi quatenus consuetudines justas non auferret.* *Leg. Edw. Conf. cap. 39.* So in *Jeffery Monmouth, lib. 1. cap. 6.* *Laudo igitur ut ab eo filiam suam primogenitam pietatis Duci nostro conjugem,* &c. So in *Hoveden. pag. 729.* *Laus* is taken for Advice, viz. *Rex Angliæ assignabat ei in terra sua ad Laudem & Consilium Regis Franciæ,* &c.

**Laudare** Is also to Arbitrate. *Knighton, pag. 2527.* and *Laudator* signifies an Arbitrator. *Knighton, 2526.*

**Laudum**, i. e. An Arbitrament or Award. 'Tis mentioned in *Nich. Trevett, Anno 1293. viz. Rex Angliæ dicto eorum, &c. & Laudo sub certa obligatione se submitteret:* 'Tis mentioned also in *Walsingham, pag. 60.* And in *Cartular. Glaston. MS. fol. 83. b. Arbitrationi, Laudo, seu dicto venerabilis Patris Domini Cantuariensis Archiepiscopi alte & basse nos submittimus.*

**Lavina** for *Labina*, i. e. Watry Land, in qua quis facile Labitur: 'Tis mentioned in *Monast. Angl. 2 Tom. pag. 372.* In aquis, Labinis, & mariscis sapissime periclitantur.

**Launcegay**, (*Anno 7 Ric. 2. cap. 13.*) A Kind of offensive Weapons now diffused, and prohibited by the said Statute.

**Laverbread**. In *Glamorganshire* and some other Parts of *Wales*, they make a Sort of a Food of a Sea-plant, which seems to be the Oyster-green, or Sea-Liverwort. This they call *Laverbread*. Near *St. David's* they call it *Lbavan* or *Lhawuan*, which I think they interpret black Butter.

**Laverdistwike**, Unfaithfulness to the Chief Lord.

**Laurels**. Those Pieces of Gold which were Coined in the Year 1619, with the King's Head Laureated, were thence commonly called *Laurels*, the Twenty Shilling Piece markt with xx, the ten Shilling Piece with x, the five Shilling Piece with v. *Cambdeni Annal. Jac. 1. MS.*

**Law**, *Lex*, In the general Signification is plain, and by *Bracton* thus defined, *Lex est sanctio justa, jubens honesta & prohibens contraria:* And the divine Schoolman says, *Lex humana est quoddam distamen rationis, quo diriguntur humani Actus.* This in our Land hath been variable. First, *Molmutius's* Laws, translated out of the *British* Tongue into *Latin* by *Gildas*, of which we find no obscure Remnants in our *Laws* now in Use. See *Mag. Chart. cap. 1 & 14.* Secondly, *Merchenlage*, mentioned in *Camb. Brit. pag. 94.* and *Polyd. in Hist. Angl. lib. 5.* Thirdly, *West-Saxon-lage.* And Fourthly, *Danelage.* The *Laws* called *Merchenlage*, or *Mercian Laws*, were composed by *Martia* Queen of the *Britons*; and from her there was a Province called *Provincia Merciorum.* Many *Laws* were published by *Ethelred* King of *Kent*, by *King Ina*, and *Offa*: But *Alfred*, who subdued the whole Kingdom, having revised all the *Laws* of his Predecessors, retained those which were most useful, and abolished those which were not, so that he was called *Anglicarum legum Conditor*; and these *Laws* were called *Westensclagan.* But this Kingdom being afterwards subdued by the *Danes*, they introduced another *Law* called *Danelag*, by which their People were governed; and they being afterwards destroyed, *Edward the Confessor* out of the former *Laws* composed that which we now call the *Common Law*; and therefore he is called by our Historians *Anglicarum Legum restitutor.* These *Laws* were only general Customs observed through the Nation, which for that Reason were called *Common*; and likewise, because *Leges omnibus in Commune reddidit*, to be observed by all, with such Amendments as were made by his Father.

*William* the First did not enact many new *Laws*, but confirmed the old, viz. *St. Edward's Laws*; and abrogated none which concerned any Compositions or Mults of Delinquents.

At present the Law of England is divided into three Parts. 1. The Common Law, which is the most ancient and general Law of the Realm. 2. Statutes, or Acts of Parliament. And 3. Particular Customs. I say Particular; for if it be the general Custom of the Realm, it is Part of the Common Law. *Co. on Litt. fol. 15. b.* Law hath an especial Signification also, wherein it is taken for that which is lawful with us, and not elsewhere: As Tenant by the Curtesy of England. *13 E. 1. 3.* And again, to wage Law, *Vadiare legem*, and to make or do Law, *Facere legem*. *Bracton, lib. 3. tract. 2. cap. 37.* When an Action of Debt is brought against one, upon secret Agreement or Contract, as in an Action of Detinue for Goods, Money or Chattels, lent or left with the Defendant, the Defendant may wage his Law, if he will; that is, swear, and certain Persons with him, that he detains not the Goods, or owes nothing to the Plaintiff, in Manner and Form as he hath declared, which is intended by Law to be only in Case of the Plaintiff's want of Evidence, and when he cannot prove his Surmise by any Deed or open Act. When one wages his Law, he shall bring with him so many of his Neighbours as the Court shall assign, (*Sir Edward Coke says Eleven*;) to swear with him, That they think in their Consciences he hath sworn truly. And this Law is used in Actions of Debt, without Speciality: as also where a Man coming to the Court after such a Time, as his Tenements, for Default, be seised into the King's Hands, will deny himself to have been summoned. *Glanvil, lib. 1. cap. 9 & 12. Kitchin, fol. 164.* This is borrowed from Normandy, as appeareth by the *Grand Customary, cap. 85.* But *Coke* in his *4 Rep. fol. 95.* *Slade's Case*, says, It springs originally from the Judicial Law of God, alledging for it the Twentieth Chapter of *Exodus*, verse 7. The Feudists call them that come to purge the Defendants, *Sacramentales, lib. feud. Tit. 4. sect. 3. & Tit. 10 & 26.* And the Civilians call them *Purgatores*. *Spelman* says, *Legem vadiare est cautionem dare de perimplendo legis exigentiam in re litigata, ut de praestando Sacramento ad indictam diem cum indicto sacramentalium seu conjuratorum numero* And this was a Custom anciently used among the Egyptians, as *Boemus* in his *Treatise De moribus gentium*, informs us. Antiently Laga was used as Latin for Law, as *Lagam Regis Edwardi vobis reddo, &c.* *Magna Charta, H. 1. 1 R. 3. cap. 2. 31 H. 6. cap. 6.* Our Common Laws are properly and aptly termed *Leges Anglie*, because they are appropriate to this Kingdom of England, and have no Dependence upon any Foreign Law whatsoever. *Co. 2 par. Inst. cap. 9.* These are the Birth-right, and the most ancient and best Inheritance the Subjects have. *Co. on Litt. lib. 2. cap. 12. sect. 213.* and in his *Preface to the sixth Report*. All Books written in the Law are either Historical, as the *Year Books*; Explanatory as *Staundford's Treatise of the Prerogative*: Miscellaneous, as the *Abridgments*; Or Monological, being of one certain Subject, as *Staundford's Pleas of the Crown*, *Lambard's Justice of Peace*. See *Fulbeck's Parallels, cap. 3.*

Lawes Round Heaps of Stones, which were a Sort of rude Monument for the Dead, are in the Borders between England and Scotland called Lawes. As in *Staffordshire Longhs* or *Lochs*, from the Saxon *Hilawe*, a Heap of Earth or Stones.

Law of Arms, (*Lex Armorum*.) Is that which gives Precepts, how rightly to proclaim War, to make and observe Leagues, to Assault the Enemy, and to punish Offenders in the Camp.

Law-Day (*Lagedayam*) Is otherwise called *View of Frank-pledge*, or *Court-Lect*. *Anno 1 Ed. 4. cap. 2.* it is used for the County-Court. *Et quod terra eorum imperpetuum quiete sint de feillis Comitatum & Hundredorum nostrorum, de visis Franci-plegii & Lawdayorum, de Turno & auxilio Vicecomitum, &c. Charta 39 Hen. 3. m. 5. Una cum omnibus feillis Lagedayorum. x. Scriptor.* This Law-day, or Lage-day was properly any Day of open Court, and commonly used for the more solemn Courts of a County or Hundred. *Debent facere festum ad Hundredum predictum ad duos Lagedajes per annum; unum ad Festum beati Martini, & alium ad le Hokedaie.* *Cartular. Abb. Glaston. MS. fol. 43. a.*

Lawe, According to *Domesday*, by the Interpretation of *Mr. Agar*, of the Receipt in the Exchequer, signifies an Ascent, or easy Summit.

Lawing of Dogs. Mastiffs must be lawed every three Years. *Crompt. Juris. fol. 163.* that is, three Claws of the Fore-foot shall be cut off by the Skin. *Char. Forestae, cap. 6.* or the Ball of the Fore-foot cut out. See *Expedite* and *Pellota*.

Lawless Court, On Kingshill at Rochford in Essex, on Wednesday Morning, next after Michaelmas-Day, at Cock-crowing, is held a Court, vulgarly called, *The lawless Court*. They whisper, and have no Candle, nor any Pen and Ink, but a Coal, and he that owes Suit or Service, and appears not, forfeits double his Rent every Hour he is missing. This Court belongs to the Honour of *Ralegh*, and to the Earl of *Warwick*, and is denominated *Lawless*, because held at unlawful or *Lawless* Hour: The Title of it in the Court-Rolls runs thus,

Kingshill in? ff. Curia de Domino Rege  
Rochford } *Dicta sine lege,*  
*Tenta est ibidem*  
*Per ejusdem consuetudinem,*  
*Ante ortum solis*  
*Luceat nisi Polus,*  
*Senescallus solus*  
*Nil scribit nisi colis,*  
*Toties voluerit*  
*Gallus ut cantaverit,*  
*Per cujus soli sonitus*  
*Curia est summonita:*  
*Clamat clam pro Rege*  
*In Curia sine lege,*  
*Et nisi cito venerint*  
*Citius penituerint,*  
*Et nisi clam accedant*  
*Curia non attendat,*  
*Qui venerit cum lumine*  
*Errat in regimine,*  
*Et dum sunt sine lumine,*  
*Capti sunt in crimine,*  
*Curia sine cura.*  
*Furati de injuria.*

*Tenta ibidem die Mercurii (ante diem) proximi post Festum Sancti Michaelis Archangeli, Anno Regni Regis, &c.*

This

This Court is mentioned in *Cam. Britan.* tho' imperfectly, who says, 'This servile Attendance was imposed on the Tenants, for conspiring at the like unseasonable Time to raise a Commotion. Fol. 441.

**Lawless Man**, (*Sax. Laugheless Man, exlex*) is otherwise called an Outlaw. *Pro exlege tenebitur, cum Principi non obediat nec legi, & tunc utlagabitur sicut ille qui est extra legem, s. ut Laugheless Man. Bracton, lib. 3. de Corona, cap. 11.*

**Law of Marque**, (*Anno 27 Edw. 3. Stat. 2. cap. 17.*) From the German Word *March, i. e. Limes*, a Bound or Limit; because they that are driven to make Use of this Law, do take the Shipping or Goods of that People of whom they have received Wrong, and cannot get ordinary Justice, when they can take them within their own Bounds or Precincts. See *Reprisals*.

**Law-Merchant** (*Lex Mercatoria*) Is become a Part of the Laws of this Realm; for if there be two Joint-Merchants of Wares, and one of them dies, his Executor shall have the Moiety; which is not so in the Case of others not Merchants. *Co. on Litt. fol. 182. Anno 13 Edw. 1. Stat. 3. and 27 Edw. 3. cap. 8.*

*Charta Mercatoria, 31 Edw. 1. m. 4.* grants this perpetual Privilege to Merchants coming into this Realm: *Quod omnes Balivi, Ministri Fieriarum, Civitatum, Burgorum & Villarum Mercatoriarum Mercatoribus antedictis comparentibus coram eis celerem Justiciam facient de die in diem sine dilatione, secundum Legem Mercatoriam, de universis & singulis quæ per eandem Legem poterunt terminari.*

**Lawnd.** See *Landa*.

**Laws of Molmutius.** See *Molmutian Laws*.

**Laws of Oleron.** See *Oleron Laws*.

**Law-Silver.** In *Breton Parva omnes servientes Curia debent habere crothecas contra autumnum: Habebunt etiam die Sancti Petri ad vincula 1 denar. ad Law-Silver. Cartular. Sancti Edmundi, MS. f. 111.*

**Law Spiritual** (*Lex Spiritualis*) Is the Ecclesiastical Law, allowed by the Laws of this Realm, which is not against the Common Law, (whereof the King's Prerogative is a principal Part) nor against the Statutes and Customs of the Realm. And regularly, according to such Ecclesiastical Laws, the Ordinary and other Ecclesiastical Judges do proceed in Causes within their Cognizance. *Coke on Litt. 344.* This was called *Law Christian*, and the Ecclesiastical Court, wherein this Law was administered, was called *Curia Christianitatis*; and the Rural Dean, who was Judge or President of the Court within his own District, was called *Decanus Christianitatis*: And in Opposition to this Law, the Common Law was called *Lex mundiata, terrena, &c.*

**Law of the Staple** (*27 Ed. 3. Stat. 2. cap. 22.*) Is the same with *Law-Merchant*. See *4 Inst. fol. 237, 238. and Staples*.

**Lawyer**, (*Legista, Legisperitus, Jurisperitus.*) Our Saxons called him *Lahman*.

**Lawnd.** See *Landa*.

**Lawne or Lound**, In *Domesday* signifies a Plain between Woods.

**Layd-land**, (*Terra inculta, novale*), Land that lies untilled.

**Laystall**, (*Saxon*) A Place to lay Dung, Soil or Rubbish in, mentioned in the Statute for the better cleansing and paving the Streets of London. *Anno 22 & 23 Car. 2.*

**Lazzy**: Of a servile Condition. The Saxons divided the People into three Ranks: The first

were called *Edbilingbi*, which are now the Nobility: The next were called *Frilingi*, which are now the Gentry; for *Friling* amongst the Saxons was he that was born a Freeman, or of Parents which were not subject to any Servitude. The last were called *Lazzi*; and those were born to Labour. They were of a more servile Condition than our Servants, because they could not depart from their Service without the Leave of the Lord. They were fixed to the Land where they were born, and were in Nature of Slaves. And from hence we derive the Word *Lazy*. *Nithardus. lib. 4. De Saxonibus.*

**Leach-troughs, Leach-brine.** At the Salt-works in *Staffordshire*, they take the corned Salts from the Rest of the Brine, with a *Loot* or *Lute*, and put it into Burrows, through which being set in the *Leach-troughs*, the Salt drains it self dry; which Draining they call *Leach-brine*, and preserve it to be boiled again as the best and strongest Brine. From *Islandick* is *Latur*, a Drain or Torrent; whence the Bucking Tub or Vessel to put Ashes in for Water to strain through them, to make a *Lee* or *Lexivium* for washing Cloaths, is in some Parts called a *Latch* or *Leche*, and in other Places a *Luck*. So in the Bishoprick of *Durham* a *Leak* or *Leche* is a Gutter: And in *Yorkshire*, any Slough or watry Hole upon the Road is so termed. *Saxon leccian*, to let out Water, to leak.

**Leap** Is a pure *Saxon* Word; for that which we now call a *Seed-Leap*; and *Leap-Fulne* is a *Seed-Leap* full of Corn.

**Leap-Bear.** See *Bissextile*.

**Lea of Barn.** *Stat. 22 & 23 Car. 2. cap. —*) Every *Lea* of Yarn at *Kidderminster* shall contain 200 Threads, reeled on a Reel four Yards about.

**Lease, Dimisso**, From the French *Laiffer, permittere*, Is a Demise or Letting of Lands or Tenements, Right of Common, Rent, or any Hereditament unto another for Term of Years or Life, for a Rent reserved: And a *Lease* is either written, called a *Lease by Indenture*, or a *Lease Parol*. The Party that letteth this *Lease* is called *The Lessor*, and the Party to whom it is let is the *Lessee*: And a *Lease* hath in it six Points, 1. Words sufficient to import a Demise. 2. A Lessee named. 3. A Commencement from a Day certain. 4. A Term of Years. 5. A Determination. 6. A Reservation of Rent. *Co. lib. 6. fol. 55. Knight's Case. Co. on Litt. lib. 1. cap. 7. sect. 56. Co. 5 Rep. Case of Leases.*

**Leat, A Mill-leat**, corruptly *Milleat*. A Trench to convey Water to or from a Mill, mentioned in *Stat. 7 Jac. 1. c. 19*. But most peculiar to *Devonshire*, where in Conveyances the Word does frequently occur.

**Leccator**, A riotous debauched Person, a Lecher, a Whoremaster. *Sciant, quod ego Johannes Constabularius Cestrie dedi Hugoni de Dutton, & Heredibus suis Magistratum omnium Leccatorium & Meretricum totius Cestreschire sicut liberius illum Magistratum teneo de Comite. Salvo jure meo mihi & heredibus meis. Sine dat. sed circa annum 1220.*

**Lech**, the same with *Lash*.

**Lechertwite**, alias *Legerwite*. See *Lairwite*.

**Leccaria.** See *Litera*.

**Letisternium**, A Bed. Sometimes all that belongs to a Bed. *Flor. Worc. pag. 631.*

**Letrinum**, i. e. A Pulpit. *Chirothecas dum oraret super Letrinum posuit. Monastic. 3 Tom. pag. 243.*



**Lecturnium, Lectorium,** The Desk, the Reading Place, or Pew in Churches. — *Tunc Major presbyter redeat ad Lecturnium inepturus quod incumbit, &c. Statuta Eccl. Paul. Lond. MS. fol. 44.*

**Lectum** (LL. Gul. 1. cap. 6.) Seems to signify a Fine or a Mulct. From the Sax. *Last, Onus.*

**Leda,** See *Lathe.* It also is the same with *Lada*, which signifies a broad Way or Broad, viz. *Tresdecim percas de Leed & 25 in longum de prato; i. e. Thirteen Perches in Breadth, and Twenty-five in Length.*

**Ledurabe,** the Chief Man of the *Lathe.*

**Ledo,** (*Ledona*,) i. e. The rising Water, or Increase of the Sea. *Ledo sex horas inundationis & totidem recessus habet, malina vero grandis per quinque horas ebullit, & per septem horas litorum dorsa reteggit. Du Cange.*

**Leet, Leta, visus Franci Plegii,** Is otherwise called a *Lawday.* *Smith de Rep. Angl. lib. 2. cap. 18.* and seems to have grown from the Saxon *Leo*, which, as appears by the Laws of King Edward, set out by *Lambard*, numb. 34. was a Court of Jurisdiction above the *Wapentake* or Hundred: Many Lords, together with their Courts-Baron, have likewise *Leets* adjoined, and thereby do enquire of such Transgressions as are subject to the Enquiry and Correction of this Court; whereof you may read in *Kitchin*, from the Beginning of his Book to the fifth Chapter, and *Britton*, cap. 28. But this Court in whose Manor soever it be kept, is accounted the King's Court, because the Authority thereof originally belongs to the Crown. *Kitchin*, fol. 6. *Dyer*, fol. 64. saith, That this *Leet* was first derived from the Sheriff's Turn. And it inquireth of all Offences under High Treason, committed against the Crown and Dignity of the King, though it cannot punish many, but must certify them to the Justices of Assize, by the Statute of 1 E. 3. cap. ult. But what Things be only inquirable, and what punishable, see *Kitchin* in the Charge of a Court *Leet*, from fol. 8. to fol. 20. See also the Statute 8 E. 2. and 4 Inst. fol. 261. *Hec est Curia prisca illa, (saith Spelman) que inter Saxones ad Friburgos, Decanias Tenementales pertinebat.* The Jurisdiction of Bailiffs within the Dutchy of Normandy, in the Compaſs of their Provinces, seems to be the same, or very like our *Leet*, cap. 4. of the *Grand Customary.* *Leet* comes from the Sax. *Lat*, i. e. *Censura, arbitrium*; or from *Latan*, *Censere, astinare.* *Quod in hac olim Curia de damnis astinabatur inter vicinos emergentibus, ut patet in LL. Edw. Conf. cap. 20.* See Sir William Dugdale's *Warwickshire*, fol. 2.

**Leets or Leites,** Meetings appointed for the Nomination or Election of Officers; a Word often used in Archbishop Spotteswood's *History of the Church of Scotland.*

**Leg,** i. e. A Place. *Hurflega*, a Woody Place.

**Leg and Lasta,** Anciently the Allay of Money was so called. *Debita nummi temperies quam veteres Legam & Lastam (ni fallar) appellabant. Spelm.*

**Legabilis,** What is not intailed as Hereditary, but may be bequeathed by Legacy in a Last Will and Testament. — *Consuetudo est in plerisque civitatibus & burgis quod una domus potest legari in Testamento & alia non, quia est de baronia, & illa non est legabilis, vel quia hodie potest esse legabilis,*

*& cras non. — Articuli propositi in Parlamento coram Rege 1234. Ex Registr. Will. Wickwane, Archiep. Ebor. MS.*

**Legacy, Legatum,** Is a particular Thing given by a last Will and Testament, and he to whom such Legacy is given, is called the *Legatee.* If a Man transfer his whole Right or Estate upon another, that the *Civilians* call *Hereditas*, and him to whom it is so transferred, they term *Heir*; but we call him *Heir* only, to whom all a Man's Lands and Hereditaments descend by Right of Blood. See *Heir.* See more in *Devise.*

**Legalis Homo** Is taken for him who stands *Rectus in Curia*, not outlawed, nor excommunicated, nor defamed: And in this Sense are those Words so often used, *Probi & legales homines.* Hence *Legality* is taken for the Condition of such a Man. *Ipse tamen malefactor, tradat fidejussores de pace & legalitate tuenda, i. e. Sureties for his good Behaviour. LL. Edw. Conf. cap. 18.* See *Teoman.*

**Legatary, (Legatarius,)** He or she to whom any Thing is bequeathed; a *Legatee.* *Spelman* says, it is sometimes used *pro Legato vel Nuncio.*

**Legate,** An Ambassador, or other Representative of a Prince, especially of the Popes of Rome, who in England had the Archbishops of Canterbury for their *Legatos natos*; and upon extraordinary Occasions sent over *Legates a latere.* These *Legates* are often mentioned in our old Historians. The Difference between them is thus: *Legatus a Latere* was usually one of the Pope's Family, who was vested with the greatest Authority in all Ecclesiastical Affairs over the whole Kingdom where he was sent; and during the Time of his Legation, he might determine even those Appeals which had been made from thence to Rome. *Legatus natus* had a more limited Jurisdiction. 'Tis true, he was exempted from the Authority of the *Legate a Latere*; but he could exercise even his Jurisdiction in his own Province.

**Legatee** Is the Person to whom a Legacy is bequeathed by a last Will.

**Legatory, (Anno 27 Eliz. cap. 16.)** The same with *Legatary.*

**Legatum,** In the Ecclesiastick Sense was a Soul-Seat, or Legacy given to the Church or accustomed Mortuary. In all Churches appropriated to the Abbey of Osney, the perpetual Vicars by Endowment were to have every second Legacy, if to the Value of Six-pence, and one half of it, if beyond that Value. *Vicarius. — habebit secundum legatum ad valentiam sex denariorum, & quod ultra sex denarios fuerit, inter ipsum & Canonicos dimidiabitur. Paroch. Antiqu. p. 304.*

**Per Legem Angliæ tenere.** To hold by the Law or Curtesy of England. As when a Man is Tenant for Life to the Inheritance of his Wife deceased — *Henricus de Lacy Comes Lincoln. tenet manerium de Burcester ad terminum vite sue per legem Angliæ de Hereditate Margarete Uxoris sue. Paroch. Antiquit. pag. 361.*

**Legem facere,** To make Oath. *Legem habere,* To be capable of giving Evidence upon Oath. *Legem amittere,* To lose the Privilege of being admitted as a legal Evidence. *Minor non habet legem, i. e. is not capable of Testimonial Swearing.* See Mr. Selden's *Notes on Hengham*, pag. 133.

**Legergild**, and **Legerwit**, (*Legergildum*.) The same with *Lairwite*. But in the Laws of Hen. 1. cap. 11, 12. it seems to have a different Signification. *Si quis Dei fugitivum habet injuste, reddat eum ad rectum, & persolvat ei cuius erit, & Regi emendet secundum Legergildum.* But *Legergild* is not the same with *Lairwite*; 'tis a Mulct set on him who receives and lodges a Servant departing from his Service without Leave of his Master.

**Legerpend.** See *Lefpend*.

**Legiosus**, Litigious, and so subjected to a Course of Law. — *Inquisitio facta Anno 1411. de vicaria de Dunton in agro Norfolk.* — *ad quem vel ad quos ipsius presentatio pertinet & pertinere debeat ista vice, & an dicta vicaria sit Legiosa, pensionaria vel portioaria, & si sit, cui, vel quibus, &c. Munimenta Hospital. SS. Trinitatis de Pontefract.* MS.

**Legitimation**, (*Legitimatio*.) A making lawful, or legitimate.

**Leis**, The same with *Lada*; and sometimes it signifies the Branches of Trees cut to burn. *Branças etiam de Leia quantum necesse fuerit ad focum Monachorum.* Du Fresne.

**Leister.** See *Ratæ*.

**Leidgreve**: He who had an Authority over a *Leid*, or *Lath*. See *Lathreeve*.

**Leipa**, A Departure from Service. *Si quis a Domino suo sine licentia discedat, ut Leipa Emendetur & redire cogatur.* Leg. H. 1. cap. 43.

**Leue.** See *Exvapium*.

**Leuna** Occurs in *Domesday*, corruptly for *Leura*. *Spelm. Gloss. verbo Leuca*, which see.

**Lent**, *Quadragesima*, A set Time of Fasting and Abstinence for Forty Days next before *Easter*, mentioned in the Statute 2 & 3 E. 6. 19. and first commanded to be observed in England by *Ercomb*, seventh King of Kent, before the Year 800. See *Baker's Chron.* fol. 7.

**Leu** and **Lacc**, *Lepe* & *Lasse*, Is a Custom in the Manor of *Writtle* in *Essex*, that every Cart that comes over a Part thereof called *Greenbury* (except it be the Cart of a Nobleman) pays 4d. to the Lord of the Manor. This *Greenbury* is conceived to have anciently been a Market-place, and therefore had this Privilege granted. *Tobias Edmonds, Gen. Senescal. ibid.*

**Lepa** Is a Measure which contained the third Part of two Bushels. *Et colligat in Boscis Domini de unibus tertiam partem unius mensura que vocat' Lepa, quod est tertia pars duorum Bussellorum, & valet quadrantem.* Du Cange. From hence we derive a *Seed-Leap*.

**Leporarius**, A Greyhound for the Hare. *Concedo eis duos Leporarios & quatuor Bracatos ad leporem capiendum in Foresta nostra de Essexia.* Mon. Angl. 2 Par. fol. 283. a. See *Chazurus*.

**Leporium**, A Place where Hares are kept. *Mon. Angl. 2 Tom. p. 1035. In turbariis, in vivariis & Leporiis, &c.*

**Leposo Amovendo** Is a Writ that lies for a Parish, to remove a *Leper* or *Lazar* that thrusteth himself into the Company of his Neighbours, either in Church, or other publick Meetings, to their Annoyance or Disturbance. *Reg. Orig. fol. 267. and F. N. B. fol. 423.*

**Leriroon**. The old fashioned Shoes tipt with Horn, and tied up with Silk Ribbands, or Silver Chains to the Knees, were called *Leripoops*. *Rog. Dodsworth, Collect. M. vol. 39. p. 120.*

**Le Roy le veut**. By these Words the Royal Assent is signified by the Clerk of the Parliament to publick Bills, which gives Birth and Life to them which before were but *Embrios*; and to a private Bill his Answer is, *Soit fait comme il est desire.*

**Le Roy's abisera**. By these Words to a Bill presented to the King by his Parliament, are understood his absolute Denial of that Bill, in a more civil Way, and the Bill thereby becomes wholly nulled.

**Leve** Is a Saxon Word, and derived from *Lesean*, which signifies to divide.

**Levia**, A Leash of Greyhounds: The Term is now restrained to the Number Three, but was formerly double, or perhaps indefinite.

*Archiepiscopus Cant. & succ. sui semel in quolibet Anno, cum transferint per dictam Forestam (i. e. de Arundel) cum una levia de sex Leporariis sine aliis canibus & sine arva, habeant unum cursum in eundo & alium redeundo.* Anno 43 H. 3. *Reliq Spelm.* pag. 118.

**Lefpend**, (*Sax. Lef-pegen, i. e. Baro minct.*) *Sint sub quolibet horum quatuor ex medio vibus hominibus (quos Angli Leipegerd nuncupant, Dani vero Yoong Men vocant) locati, qui curam & onus tum vividis tum veneris suscipiant.* *Constitut. Canuti Regis de Foresta, Art. 2.*

**Leffa** Is a Legacy. *Eleemosynas quas mei homines faciant de suis deimis, atque Lessias de suis substantiis.* From whence we derive the Word *Lease*. *Menast. 1 Tom. pag. 562.*

**Lessor** and **Lesse**, The *Lessor* is he that leases Lands or Tenements to another for Term of Life, Years, or at Will: And he to whom the Lease is made is the *Lesse*.

**Leffa.** See *Lathe*.

**Lestage.** See *Lastage*.

**Lestaster**, *Lestage* free, or exempt from the Duty of paying Ballast-Money. King *Edw. 1.* granted to the Barons of the Cinque Ports — *Quod sint Wreckfry, Wyttfry, & Lestagefry, & Lonetopfry, & quod habeant Den & Strond apud Gernemuth.* — *Placit. temp. Ed 1. & Ed. 11. MS. 410. penes Dom. Fountains ex JEdc Chrifiti Oxon.*

**Leithia**. Among the Customs and Services done by the Tenants of *Chebenhale* to the Abbey of *St. Edmund* in *Suffolk.* — *Arabit & herciabit ad duas precarias cum cibo predicto, metet autem uno die in Augusto & habebit cibum suum ad mensam cum pane & aqua, & habebit inter ducs & duos periam carnis & Leithiam casei, sero autem habebit unum panem & Leithiam casei, & portabit secum ad Domum. Cartular. S. Edmundi. MS. fol. 401.*

**Lessor**, or **Leibeg**, Is a Word used in *Domesday*, to signify Pastures, and is still used in many Places of England, and often inserted in Deeds and Conveyances.

**Lestwithiel.** See *Uzella*.

**Letherwite**, 2 *Inst. fol. 438.* This is doubtless there mistaken, or false printed for *Lecherwite*. See *Lairwite*.

**Letare Jerusalem**. The old Duty of *Quadragesimal*, or the customary Oblations made on *Midlent-Sunday*, when the proper Hymn was, *Letare Jerusalem, &c.* by the Inhabitants within a Diocese to the Mother Cathedral Church; which old Custom of Procession and Oblation at that Time, was the Beginning of that Practice which is still retained among us, of *Mothering* or going to visit Parents on

on *Midlent-Sunday*. But to return; these voluntary Offerings on that Sunday, were by Degrees settled into an annual Composition or pecuniary Payment, charged on the Parochial Priest, who was presumed to receive them from his People, and obliged to return them to the Cathedral Church; therefore in some Forms of Approbation, the subtle Religious took express Care to throw this among other Burdens upon the oppressed Vicars. As in the Ordination of the Vicarage of *Erdele* in the Archdeaconry of *Huntingdon*, made in the Year 1290. It is provided, *Qui quidem Vicarius solvet Synodalia, Lætare Jerusalem, & libros, Vestimenta & alia Ornamenta, luminare competens in cancello, vinum, Oblatas, & Clericum idoneum & his similia inveniet & exhibebit*—— Ex Libro Institutionum Oliv. Sutton Episc. Lincoln. MS.

*Leth.* See *Lath*.

**Letters of Absolution, or absolutoy Letters, (Litera Absolutoria,)** Were such in former Times, when an Abbot did release any of his Brethren, *ab omni subjectione & obedientia, &c.* and made them capable of entering into some other Order of Religion. The Form of which you may see in *Mon. Faverhamensi*, pag. 7.

**Letter of Attorney, Litera Attornati,** Is a Writing authorising an Attorney, that is, a Man appointed to do a lawful Act in our steads. *West. Symbol. part 1. lib. 2. sect. 559.* As a Letter of Attorney to give Seisin of Lands, to receive Debts, to sue a third Person, &c. See the Stat. 7 R. 2. 13. Anciently, a Letter of Attorney to give Seisin of Lands, ran thus:

**P**ateat universis per presentes quod ego Johannes Gour Dominus de Peodelestone Attornavi loco meo dilectum mihi in Christo Johannem Hendyng ad ponendum William Nasbe & Rogerum Nasbe in plena & pacifica seiscina in omnibus illis terris, & tementis cum pertin. suis, quæ & quas habeo in Orleton prout in carta Feoffamenti dictis Will. & Rogero inde confecta plenius continetur. Ratum habens & gratum quicquid dictus Johannes nomine meo fecerit in præmissis. In cuius, &c. Dat. 43 Ed. 3.

**Letter Claus, Litera Clausa,** Close Letters opposed to *Letters Patent*: These *Claus* Letters being commonly sealed up with the King's Signet or Privy Seal, while the *Letters Patent* were left open, sealed with the Broad Seal.

**Letters of Exchange, Litera Cambitoria, vel literæ Cambii.** *Reg. Orig. fol. 194.*

**Letters of Marque.** See *Marque* and *Reprisals*, 14 H. 6. 7.

**Letters Patent, Litera Patentes,** Are Writings sealed with the Great Seal of England, whereby a Man is authorised to do or enjoy any Thing, that otherwise of himself he could not, 19 H. 7. 7. And they be so termed of their Form, because they be open with the Seal affixed, ready to be shewed for Confirmation of the Authority given by them. Common Persons may grant *Letters Patent*, F. N. B. f. 35. but they are rather called *Patentes* than *Letters Patents*. *Letters Patents* to make *Denizens*. 32 H. 6. 16. yet, for Difference sake, those granted by the King are called *Letters Patent Royal*. 2 H. 6. 10. *Letters Patent* conclude with *Teste me ipso, &c.* Charters with *Hiis testibus*. 2 par. Inst. 78. They are sometimes called also *Letters Overt*. En *Tesmoignance de quel chose nous avons fait faire cestes noz Letters Overtes*. Par. 23 Edw. 3. p. 2. m. 24. *Letters Patent* of *Summons* of Debt. Anno

9 H. 3. cap. 18. There is likewise a *Writ Patent* mentioned in F. N. B. fol. 1. &c.

**Levant and Couchant,** Is, when Cattle have been so long in another Man's Ground, that they have lain down, and are risen again to feed; in Records in Latin, they say, *Levantes & Cubantes*. See *Falda*.

**Lebanum,** Leavened Bread. From the Lat. *Le:are*, to make lighter.

**Levari facias** Is a Writ directed to the Sheriff, for the levying of a Sum of Money upon Lands and Tenements of him that hath forfeited a Recognisance. *Reg. Orig. fol. 298 & 300.* and also F. N. B. 265.

**Levari facias damna de disseisitoribus** Is a Writ directed to the Sheriff, for the Levying of Damages wherein the *Disseisor* hath formerly been condemned to the *Disseisee*. *Reg. Orig. fol. 214.*

**Levari facias residuum debiti** Is a Writ directed to the Sheriff, for the Levying the Remnant of a Debt upon Lands and Tenements, or Chattels of the Debtor, that hath in Part satisfied before. *Reg. Orig. fol. 299.*

**Levari facias, quantum Antecompos returnabit quod non habuit emptores,** Is a Writ commanding the Sheriff to sell the Goods of the Debtor which he hath already taken, and returned that he could not sell them, and as much more of the Debtor's Goods as will satisfy the whole Debt. *Reg. Orig. fol. 300.*

**Levare tœnum,** To make Hay, or properly to cast it into Wind-rows, in Order ad *tassandum*, to cock it up.—— *Homines* de *Hedingdon* venient cum *furcis* suis ad dictum tœnum Levandum & tassandum. *Paroch. Antiq. pag. 320.* Hence una *levatio tœni* was one Day's Hay-making, a Service paid the Lord by inferior Tenants.—— *Alicia* quæ fuit Uxor *Richardi* le Grey—— faciet unam *sarcularum* & unam *Wedbedripam*, & *levationem* tœni. *ch. p. 402.*

**Leuca, Leuba, Leuga, Via spatium.** *Spelm. Gloss. verb. Leuca,* They are often used in *Domesday* for a Measure or Mile of Land. And *Leunides* hath the same Signification there. *Quodam Parco* ibidem, continente in circuitu tres *Leucas*, & vocatur *Keribulloc cum baya & muro incluso*. Item. *quadraginta Perticas ad quarantenam, & 12 quarantenas ad Leucam.* MS. of the *Dutchey* of *Cornwal*. It seems here to be used for a Mile. See *Burton's Comment. on Anton. Itinerary*, fol. 29.

**Leuca** Is a Measure of Land, consisting of 1500 Paces. *Ingulphus*, tells us 'tis 2000 Paces, pag. 910. In the *Monastic. 1 Tom. p. 313.* 'tis 480 Perches.

**Leucarum, Loghore** in South Wales.

**Leucata** Is a Space of Ground, as much as a Mile contains. *De bosco, &c. continente unam Leucatam in Latitudine & dimidium in Longitudine.* *Monast. 1 Tom. p. 768.* And so it seems to be used in a Charter of *William the Conqueror* to *Battle Abbey*. *Concedo etiam eidem Ecclesia Leucatam circumquaque adjacentem liberam & quietam de omni geldo Du Cange.*

**Levellus, A Level,** even or upon the Level.—— Anno 1240. venerunt Abbas S. Petri de Burgo & Radulphus de Basset de *Pitbelle* ad emendandum stagnum molendini de *Pitbelle*—— concesserunt & providerunt—— quod dictum stagnum humiliabitur per *Levellum* sicut ceterum pratum ex utraque parte—— ita quod aqua non exeat de canali pro exaltatione dicti stagni nisi præ nimia inundatione cretina.—— *Cartular. Abbatix S. Petri de Burgo Swafham dictum.* MS. f. 208.

**Leby**

**Levy**, (*Levare*) Signifies, To gather or exact; as, To levy Money: And is sometimes used, To erect or set up; as, To levy a Mill. *Kitchin*, fol. 180. Also, To raise or cast up; as, To levy a Ditch. *Old Nat. Br.* fol. 110. And, To levy a Fine, which is now the usual Term. But I have seen a Deed, wherein *William St. George Esquire* covenants to *rewe a Fine* of the Manors of *Brandon* and *Wyche-hampton*. *Dat.* 17 Hen. 6.

**Leves**, The same with *Leuca*.

**Lex** Is often taken for *Judicium Dei*. 'Tis the same as *Lada* amongst the Saxons, which is either a canonical or vulgar Purgation. In *Leg. H.* 1. cap. 62. *Ab Adventu Domini usque ad octavas Epiphania, non est tempus Leges faciendi.*

**Lex amissa**, or *Legem amittere*, viz. One who is an infamous, perjured, or outlawed Person. In *Bracton*, lib. 4. cap. 19. par. 2. *Non est ulterius dignus Lege.*

**Lex Apostata**, or *Legem Apostatare*, Is to do a Thing contrary to Law. 'Tis mentioned in *Leg. H.* 1. cap. 12. *Qui Legem Apostatabit vera sua sit reus prima vice.*

**Lex Brethonia**, The Brehon Law, was a Law peculiar to Ireland, overthrown by King *John* in the Twelfth Year of his Reign, and the English Laws settled instead thereof. See *Brehon*.

**Lex Britanica**, The Law of the Britains, or of the Marches of Wales, *Lex Marchiarum*. See *Britayne*.

**Lex Deraisina**, rectius *Deraisina*, Is the Proof of a Thing which one denies to be done by him, and his Adversary affirms it; defeating and confounding the Assertion of his Adversary, and shewing it to be without and against Reason or Probability. *Furis membrum est Normannici, quod in pisco ejusdem Custumario, cap. 126. sic definitur. Deraisina autem est Lex quedam in Normannia constituta, per quam in simplicibus querelis insecutus, factum quod a parte adversa ei objicitur, se non fecisse declarat. Vide plura ibidem & Dercyn.*

**Lex Judicialis** Is properly *Purgatio per Judicium Ferri*. Sometimes 'tis called *Judicium*. *Leg. H.* 1. cap. 9, 45, 49.

**Lex Sacramentalis**, i. e. *Purgatio per Sacramentum*. *Leg. H.* 1. cap. 9. *Si quid bello vel Lege Sacramentali, &c. repetatur.*

**Lex Terrena**, i. e. The Law and Custom of the Land, distinguished by this Name from *Lex Civilis*, as Mr. *Selden* tells us in *Dissertation. ad Flatam*, cap. 9. par. 3.

**Lex Wallensis**, The British Law, or Law of Wales. *Statut. Wallia.*

**Lex**, *Lex*. See *Law*. We also term Pasture by a frequent Name in several Countries, *Leys*, and so is it used in *Domesday*.

**Lex**, *Lex*, *Lex*, Whether in the Beginning or End of Names of Places, signify an open Field, or large Pastures. From the Saxon *Leag*, *Campus*, *Pasuum*; as *Bleblingey*, &c.

**Lex-wager**, (*Anno 1 Car. 1. cap. 3.*) Wager of Law. See *Law*.

**Libaninum**, Instead of *Libamen*. *Bibentes unum Libaninum in spoliationem captivandorum*. *Knigh-ton*, Anno 1270.

**Libel**, *Libellus*, Literally signifieth a little Book, but by Use it is the original Declaration of any Action in the Civil Law, 2 *H.* 5. 3. and 2 *E.* 6. 13. It signifies also, a criminous Report of any Man cast abroad, or otherwise unlawfully publish'd, and then called *Famosus Libellus*: And this is either *in scriptis*, aut *sine scriptis*: In scriptis

is, when an *Epigram* or other Writing is composed or publish'd to another's Disgrace, which may be done *Verbis aut Cantilenis*: As where this is maliciously repeated or sung in the Presence of others; or else *Traditione*, when the *Libel*, or any Copy of it is delivered over to scandalize the Party. *Famosus Libellus sine scriptis* may be twofold; 1. *Picturis*, as to paint the Party in a shameful and ignominious Manner. Or, 2. *Signis*, As to fix a Gallows, or other ignominious Signs at the Door of the Party, or elsewhere. *Co.* 5 *Rep. de famosis Libellis.*

**Libello habendo**. See *Copia Libelli habenda*.

**Libera**, A Livery or Delivery of so much Grass or Corn to a Customary Tenant, who cuts down or prepares the said Grass or Corn, and receives some Part or small Portion of it as a Reward or Gratuity. — *Debet unam Wedbedripam.*

— *& unam falcaturam, & habebit liberam ad vespervas qua vocatur Glenyngs, tantum sicut falcator potest per falcem levare & portare domum.* *Paroch. Antiq.* pag. 401. So the Livery of Hay and Oats, or the Giving out such a Quantity for feeding Horses. Whence *Livery-Stable*, &c.

**Libera batella**, A free Boat. *Per Liberam batellam, hoc est, habere unam cymbam ad piscand. subter pontem Cestrie & supra Etonam, & ibidem cum omni genere retium.* *Plac. in Ilin. apud Cestriam*, 14 Hen. 7.

**Libera chasea habenda** Is a Writ Judicial, granted to a Man for a Free Chase belonging to his Manor, after he has by a Jury proved it to belong to him. *Register of Writs Judicial*, fol. 26, and 37.

**Liberate** Is a Writ issuing out of the Chancery, to the Treasurer, Chamberlains, or Barons of the Exchequer, or Clerk of the Hamper, &c. for the Payment of any annual Pension, or other Sums granted under the Great Seal. See *Broke*, *Tit. Tayle d'Exchequer*, num. 4. *Reg. Orig.* fol. 193. Or sometimes to the Sheriff, &c. *Nat. Brev.* fol. 132. For the Delivery of any Lands or Goods taken upon Forfeits of Recognisance, see *Co. lib.* 4. fol. 64, 66, 67. *Fullwood's Case*. It lies also to a Gaoler, for the Delivery of a Prisoner, that hath put in Bail for his Appearance. *Lamb. Eirenarch. lib.* 3. cap. 2.

**Liberatio**, i. e. Whatever Money, Meat, Drink, or Clothes, is yearly, or at any set Times in the Year, given by the Lord to his Domesticks. *Cum Rex Scotia ad Curiam Regis Anglie venerit, habebit quotidie de Liberatione 30 Sols, & 12 Wastellos dominicos, & 12 Simenellos dominicos, &c.* Here 'tis mentioned as a Provision for a King; but in *Brompton* 'tis said: *Et dedit unicuique vadia sua & Liberationem ab illo die usque ad proximum pascha sequent*: From whence we derive the Word *Livery*.

**Libera Tlara**. See *Wara*.

**Libertas Ecclesiastica**. This is a most frequent Phrase in our old Writers, to signify Church Liberty, or Ecclesiastical Immunities. The Right of *Investiture* extorted from our Kings by Force of Papal Power, was at first the only Thing challenged by the Clergy, as their *Libertas Ecclesiastica*: But by Degrees, under weak Princes and prevailing Factions, under the Title of *Church Liberty*, they contended for a Freedom of their Persons and Possessions from all Secular Power and Jurisdiction, as appears by the Canons and Decrees of the Councils held by *Boniface* Archbi-



shop of Canterbury, at Merton, A. D. 1258. and at London, A. D. 1260. &c.

**Libertate probanda** Is a Writ that lay for such as were challenged for Slaves, and offer'd to prove themselves free, directed to the Sheriff, that he take Security of them for the proving of their Freedom before the Justices of Assize, and provide that in the mean Time they be quiet from the Vexation of those that challenge them. *F. N. B. fol. 77.* Villenage, and the Appendixes thereof, viz. Infranchisement, &c. Writs de *Nativo habendo*, *Libertate probanda*, &c. were of old great Titles in the Books, but now antiquated. See *Nativo habendo*.

**Libertatibus allocandis** Is a Writ that lies for a Citizen, or Burghers of any City or Borough, that contrary to the Liberties of the City or Town whereof he is, is impleaded before the King's Justices, or Justices Errant, or Justice of the Forest, &c. to have his Privilege allowed. *Reg. Orig. fol. 262. F. N. B. fol. 229.*

**Libertatibus evigendis in itinere** Is a Writ whereby the King willeth the Justices in Eyre to admit of an Attorney, for the Defence of another Man's Liberty before them. *Reg. Orig. fol. 19.*

**Liber taurus** A free Bull. *Comptum per Fur. quod Will. de Losa fuit seistus de libero Tauro habendo in Hamsted, &c. — Ideo consideratum est, quod predictus W. recuperet damna sua, qua taxantur per Fur. ad iv s. pro impacione ejusdem Tauri, &c. Norf. 16 Edw. 1.*

**Liberty, Libertas**, Is a Privilege held by Grant of Prescription, whereby Men enjoy some Benefit or Favour beyond the ordinary Subject. *Liberties Royal*, what they be, see in *Bract. lib. 2. cap. 5.* and *Broke hoc titulo.* See *Franchise*.

**Librum Herbagium**. See *Herbagium*.

**Liblacum**, The Manner of bewitching any one; or sometimes 'tis taken for a barbarous Sacrifice. *Decevimus etiam de fortilegis & Liblacis & sortem dantibus. Leg. Athelstan. 6.* So *qui salsum jurabit, vel Liblacum faciet, sit in aeternum e consortio Dei segregatus. Leg. Edmundi edit. apud Lond. 6.*

**Lib. x. ass. pensatæ & ad numerum**: A Phrase which often occurs in the *Domesday-Register* and some other Memorials of that and the next Age. As *Ailesbury* in *Buckinghamshire*, the King's Manor. — *in totis valentis reddit Lvi libr. assas & pensatas, & de Thelonio X libr. ad numerum, i. e.* in the whole Value it pays Fifty-six Pounds burnt and weighed; and for Toll Ten Pounds by Tale. For they sometimes took their Money *ad numerum* by Tale in the current Coin upon content: But sometimes they rejected the common Coin by Tale, and would melt it down to take it by Weight when purified from the Dross and too great Alloy; for which Purpose they had in those Times alway a Fire ready in the Exchequer to burn the Money, and then weigh it.

**Libra pensa**, A Pound of Money in Weight; for it was usual in former Days, not only to tell the Money, but to weigh it; for several Cities, Bishops, and Noblemen, had their Mints and coined Money, and often very bad, and therefore though the Pound consisted of 20 s. they weighed it. Thus in *Domesday*, we read, *redditis nunc 30 libras assas & pensatas.* *Gale's Hist. of Brit. fol. 261.*

**Librata terra** Contains four Oxgangs, and every Oxgang 13 Acres. *Skene, verbo Bovata*

*terra*; with us it is so much Land as is yearly worth xx s. For in *Henry the Third's* Time, he that had *quindecim libras terre*, was to receive the Order of Knighthood. See *Fardingdeal*. Some are of Opinion, that as Money is divided into Pounds, Shillings, Pence, Half-pence and Farthings, the same Degrees are to be observed in the Division of Lands; and therefore as *quadrans* signifies a Farthing, so *quadrantata* is the fourth Part of an Acre, *oblata* is half, and *denariata* is a whole Acre, *solidata* is Twelve Acres, and *librata* is Twenty Times Twelve Acres, i. e. Two hundred and forty. *Spelman* is of another Opinion, who compares an Acre to a Mark in Money; and as in one there are One hundred and sixty Pence, so in the other there are One hundred and sixty Perches, which they divide into Halfs and Quarters: So that an Acre contains Three hundred and sixty *Denarios*; but some say, that *Librata terra* is so much Ground as is worth yearly 20 s. of current Money.

**Liburna**. See *Galea*.

**Licence to arise, Licentia surgendi**, Is a Liberty given by the Court to a Tenant that is effoined *de malo leffi*, in a real Action: For the Law is, that in this Case he may not arise out of his Bed, or at least go out of his Chamber, until he have been viewed by Knights thereto appointed, and have a Day assigned him to appear: And the Reason of this is, that it may appear whether he caused himself to be effoined deceitfully or not; and therefore if the Demandant can prove that he was seen abroad before the View, or Licence of the Court, he shall be adjudged to be deceitfully effoined, and to have made Default. Of this, see *Bracton, lib. 5. tract. 2. cap. 7, 10 & 12*, and *Fleta, lib. 6. cap. 10.* and *Horne's Mirrour of Justices, lib. 2. cap. des. Effoyes*.

**Licence to go to Election, Licentia eligendi**, *Regist. fol. 294.* See *Conge d'Estre*.

**Licentia Concordandi**, 12 Car. 2. 12. See *King's Silver*.

**Licentia surgendi** Is the Writ whereby the Tenant effoined *de malo leffi*, obtaineth Liberty to rise.

**Licentia transiretandi** Is a Writ or Warrant directed to the Keepers of the Port at *Dover*, &c. willing them to let some pass quietly beyond Sea, who have formerly obtained the King's Licence thereunto. *Reg. Orig. fol. 195.*

**Licina** Instead of *Buccina*: *Tubis cum licinis perstreptentibus.* *Matt. Westm.*

**Lidioso Law** Is a proverbial Speech, intending as much as to hang Men first, and judge them after. The like is said of *Halifax* in *Yorkshire*, I suppose because their Proceedings are summary.

**Lieutenant** or **Lieutenant, Locumtenens**, Is compounded of *lieu, locus* & *tenir, tenere*, and signifies him that occupieth the King's, or any other Person's Place, or representeth his Person, as the *Lieutenant of Ireland*, 4 H. 4. 6. So also it is used 2 & 3 E. 6. cap. 2. whence that Officer seems to take his Beginning.

**Lieutenant of the Ordnance**, 39 Eliz. cap. 7. We use the Word *Lieutenant* also for a military Officer, next in Command to the Captain, whose Place and Duty is so well known, that I need not here enlarge upon it.

**Liege, Liegeus**, Is a Word borrowed from the *Fenidists*, and hath Two several Significations in the Common Law, sometimes being used for

*Liege*

Liege Lord, as 34 & 35 H. 8. cap. 1. and 25 H. 8. 3. and sometimes for *Liege-man*, as 10 R. 2. 1. and 11 R. 2. cap. 1. *Liege Lord* is he that acknowledgeth no Superior. *Duaremus in Commentar. de consuetud. feudorum*, cap. 4. num. 3. *Liege-man* is he that oweth Allegiance to his *Liege Lord*. *Skene de verbo Signif. verb.* *Ligeantia*, faith, That it is derived from the Italian Word *Liga*, a Bond or Obligation: In whom read more of this Matter. See 8 H. 6. cap. 10. 14 H. 8. cap. 2.

The Word *Ligius* was used for pure, full, or perfect. As *viduitas ligia* was pure Widowhood.

— *Isabel Gargat filia mea in ligia viduitate & Libera potestate sua.* Paroch. Antiq. p. 190. So *Ligia potestas* was free and absolute Power of Disposal. — *Ego Ela de Aldithleia in Libera viduitate mea & Ligia potestate.* ib. p. 280.

*Lieges* and *Liege-people*, (*Ligati*). The King's Subjects, anciently so called, because they owe and are bound to pay Allegiance to him. Anno 8 Hen. 6. cap. 10. 14 Hen. 8. cap. 2. and divers other Statutes: Yet anciently private Persons had their *Lieges*.

*Reinaldus Dei gratia Abbas Ramefia, Præposito & hominibus de Brancestre, & omnibus vicinis Francis & Anglis, salutem. Sciatis me dedisse terram Ulf in Depedene, (hodie Depedale) huic Boselino & uxori ejus Alfnie, ita bene sicut homines de Brancestre illum testificant verum habuisse, ea conditione quod effecti sunt homines Ligés.* Lib. Rames. Sect. 244.

*Omnibus, &c. Reginaldus Rex Insularum salutem. Sciatis quod deveni homo ligens Domini Regis Anglia Johannis contra omnes mortales quamdiu vixero, & inde ei fidelitatem & sacramentum præstiti. Et in hujus rei testimonium hanc cartam meam inde feci.* T. Domino F. Wint. Episcopo. MS. penes Wil. Dugdale Ar. See *Ligeancy*. Some are of Opinion that they are called *Lieges* from *Ligando*.

*Cum foret Anglorum feudali jure ligati.*

But others more probably derive it from *Litis*, which is a Man wholly at the Service of the Lord, whose Service is called *Litgium servitium*, and who had such an absolute Dependence on him, that he was his Vassal, so that *Litgius* or *Ligius* is one wholly under his Power. This appears where the Word is used on other Occasions, viz. *Leg. Edw. cap. 29. Judæi sub tutela Regis ligen debent esse*, that is, wholly under the King's Protection: So in the *Monastic. 2 Tom. pag. 10. Ego Juliana quondam uxor W. Brett in ligia potestate & viduitate*, that is, in my absolute Power and Widowhood.

*Lieutenant*. See *Lieftenant*.

*Lieutenant of the Tower* Seems to have been an Officer under the Constable.

*Leirwit* est multa adulteriorum. *Fleta, lib. 1. cap. 7.* It is used for a Liberty, whereby a Lord challengeth the Penalty of one that lieth unlawfully with his Bond-woman. See *Legrwita* and *Lothervit*.

*Life-rent* Is a Rent or Exhibition, which a Man receives either for Term of Life, or for Satisfaction of Life. *Nota quod Eschaeta terrarum feodalis post annum & diem, (viz. his Life-rent) ipso vivente computatur inter bona mobilia.* *Skenæus ad Quon. Attach. cap. 18. vers. 5.*

*Ligeance, Ligeantia*, Is a true and faithful Obedience of the Subject to his Sovereign; sometimes it signifies the Dominions or Territory of the *Liege Lord*, as 25 E. 3. Stat. 2. Children born

out of the *Ligeance* of the King: Also the same with *Ligeancy*. See *Co. on Lit. fol. 129.* and 7 Rep. *Calvin's Case*.

*Ligeancy, Ligeantia*, Is thus defined in the *Grand Customary of Normandy, cap. 13. Ligeantia est, ex qua Domino tenentur Vassalli sui contra omnes homines qui mori possunt & vivere, proprii corporis præbere consilii & auxilii juramentum, & ei se in omnibus innoctis exhibere, nec ei adversantium partem in aliquo confovere, &c.* This is otherwise called *Legiatis*. *Castan. de consuetud. Burgund. pag. 420, 421.* This Word is often used in our Statutes, as 14 H. 6. cap. 2. and several others. It seems to be derived from the Ital. *Liga*, a League or Bond; *Vinculum arctius inter subditum & Regem utroque invicem connectens; hunc ad protectionem & justum regimen, illos ad tributa & debitam subjectionem*; and is such a Duty or Fealty, as no Man may owe or bear to more than one Lord; and therefore it is most commonly used for that Duty and Allegiance, which every good Subject owes to his *Liege-Lord* the King.

*Sovereign Lord, I Henry Percy become your Subgette and Liege Man, and promit to God and you, that hereafter I Faith and Trouth shall bear to you, as to my Sovereign Liege Lord, and to your Heirs, Kings of England, of life and limme, and of erthly worshippe, for to live and die ayeinst all erthly People, and to You, and to Your Commandments I shall be obessant, as God me help, and his Holy Evangelists.* 27 Oct. 9 Edw. 4. Claus. 9 Edw. 4. m. 13. in dorso. See *Lieges*.

*Lighters*, *Whens*, (22 & 23 Car. 2. Act for cleansing, &c. the Streets of London) Are those that carry away, by Water, Dung and Rubbish in *Lighters*, from the City of London.

*Lignagium*, The Right which one hath to cut Fuel in the Woods: Sometimes 'tis taken for that Tribute or Payment which is due for Cutting Wood.

*Lignamina*: Timber fit for Building: *Et nunc est via qua traducuntur Lignamina & Lapides ad opus constructionis Monasterii, &c.* Du Cange.

*Ligula*, A Copy, Exemplification, or Transcript of a Court-Roll or Deed. — *Adam de Statton & Willielmus Filius Nigelii tunc Camerarii de Scaccario liberarunt Johanni de Berewic ad opus Fufficiariorum Domini Regis itinerantium in Com. Cornub. sub sigillo Thesaurariae unam Ligulam de ultimo itinere G. de Berton, &c.* Mem. in Scaccar. 12 E. 1. By Sir John Maynard.

*Ligurito*, a Flatterer. *Liguriteres mendaces, rapaces, Dei gravamen habent.* Leg. Canut. 29. Mr. Somner is of Opinion that it signifies a Glutton, from the Saxon *Liccera*, i. e. *Gulosus*.

*Limitation of Assise, Limitatio Assise*, Is a certain Time set down by Statute, wherein a Man must alledge himself, or his Ancestor, to have been seized of Lands, sued for by a Writ of Assize. See the Statute of Merton, cap. 8. Anno 20 H. 3. and Westm. 1. cap. 38. 32 H. 8. 2. 1 M. 1. Par. cap. 5. *Theobald's Digest of Writs*, lib. 10. cap. 2. So it is used in *Old Nat. Brev. fol. 77.* in these Words, *The Writ De consuetudinibus & servitiis lieth*, where I, or mine Ancestors, after the *Limitation of Assise* were not seized of the Customs, &c. But before the *Limitation of Assise*, we were seized, &c.

*Limogia*: This is a Word which we often read in the *Monasticum*, and it signifies Enamelled; *Opus de Limogia*, is enamelled Work, *una crux de opere limoceno, &c.* Monast. 3 Tom. 331.

*Linarium*,

**Linarium**, A Place where Flax is sown, a Flax-plat. *Et Messuagium quod est juxta cœmeterium, cum Linario, quod jacet juxta prædictum Messuagium.* Pat. 22 Hen. 4. Par. 1. m. 33.

**Lindesfern** Is a Place often mentioned in our Histories, being formerly a Bishop's See, now *Holy Island.*

**Lindum**, *Lincoln.*

**Linio**, A Linpin or Linpin, the Pin of Iron which fastens the Wheel upon the Axis.—*In duobus paribus rotarum Empt. vi s. in eisdem ferro Ligandis 111 s. 8 d. in coxibus & Linionibus 14 den.*—*Consuetudinarium domus de Farendon. MS.*

**Litera**, (from the Fr. *Litiere*, al. *LiHiere*; and that from *Letum*, a Bed,) Was anciently used for Straw for a Bed, even the King's Bed—*Finem fecerunt cum Rege pro terris quas dictus Petrus tenuit—per Serjantiani inveniendi unum servientem cum Hambergello per 40 dies in Anglia, & inveniendi Literam ad Letum Regis, scœnum ad Palfridum Regis quando jacuerit apud Brokenersf, &c. Fines Term. Hill. 1 Ed. 2. in Com. Wilts. Tres Carattatas Litera, for three Cart-loads of Straw or Litter. Mon. Angl. 2 par. fol. 35. b.*

**Literatura**, *Literature*; In old English, *Ad Literaturam* ponere, to put out Children to School. Which Liberty without Consent of the Lord, was denied to those Parents, who were servile Tenants. So in the Lands at *Burcester*; which were held in Villenage from the Priorels at *Merkgate*.—*Quilibet customarius non debet filium suum ad Literaturam ponere, neq; filiam suam maritare sine licentia a voluntate Prioris.* Paroch. Antiq. p. 401. This *Julian-like* Prohibition of Educating Sons to Learning, was owing to this Reason, for fear the Son being bred to Letters, might enter into Religion or sacred Orders, and so stop or divert the Services which he might otherwise do, as Heir or Successor to his Father.

**Literatus**. We meet with this Word in the *Monastic. 3 Tom. pag. 320. viz. Casula de Sameto purpureo aliquantum sanguineo cum pectorali literato*, instead of *Lifato*, i. e. bordered round or listed.

**Literæ ad faciendum attornatum pro secta facienda.** Reg. Orig. fol. 172. *Literæ de annua pensione.* Ibid. fol. 266. &c. 307. *Literæ patens ad faciendum generalem attornatum quia infirmus.* Ibid. fol. 21. *Literæ per quam Dominus remittit curiam suam Regi.* Ibid. fol. 4. *Literæ de requestu.* Ibid. fol. 129. *Literæ Canonici ad exercendam jurisdictionem loco suo.* Ibid. 305. *Literæ Patentes ad conferendum Beneficia.* Domino in remotis agente, Ibid. fol. 205, 206. *Literæ Regiæ depre.atorie pro annua pensione.* Ibid. fol. 307. See these in their proper Places.

**Literæ solutorie** Were magical Characters, supposed to be of such Force and Efficacy, that it was impossible to bind those Men who carried them: Comes qui cum tenebat mirari cœpit quare ligari non posset, an vero literas solutorias, de quibus fabula fuerunt, apud se haberet. Bede, lib. 4. cap. 22.

**Lith of Puckering** In the County of York, i. e. The Liberty, or a Member of Puckering, from the Sax. *Lid*. i. e. Membrum.

**Littera**, As *Tres Carattas Litteræ*, Three Cart-loads of Straw or Litter. *Mon. Ang. 2. par. fol. 33. b.*

**Littleborough** upon Trent. See *Agelocum*.

**Littleton** Was a famous Lawyer living in the Days of King Edward the Fourth, as appeareth by *Staundf. Præf. cap. 21. fol. 72.* He wrote a Book of great Account, called *Littleton's Tenures*.

**Liberty**, *Liberatura*, Is derived from the French *Livre*, that is, *insigne, gestamen*, or else from *Livere*, id est, *tradere*, and accordingly hath Three Significations. In one it is used for a Suit of Cloth or Stuff that a Gentleman giveth in Coats, Cloaks, Hats or Gowns, with Cognifance or without, to his Servants or Followers; and is mentioned in 1 R. 2. 7. 20 R. 2. 1, 2. 7 H. 4. 14. 8 E. 4. 2. 13 E. 4. 3. 8 H. 6. 4. 3 H. 7. 1. 12. 11 H. 7. 7. 19 H. 7. 14. 3 Car. 1. cap. 4. In the other Signification, it betokened a Delivery of Possession to those Tenants which held of the King in *Capite*, or Knights-Service; for the King, by his Prerogative, hath *primer Seisin* of all Lands and Tenements so holden of him. *Staundf. Præf. fol. 12. & cap. 5.* *Livery*, in the third Signification, is the Writ which lies for the Heir, to obtain the Possession or Seisin of his Land at the King's Hands, which see in F. N. B. fol. 155. But by the Statute 12 Car. 2. cap. 24. All Wardships, *Liveries*, &c. are utterly taken away, and absolutely discharged. Formerly great Men gave *Liveries* to several who were not of their Family or Servants, to engage them in their Quarrels for that Year: This was prohibited by the Statute 1 Hen. 4. viz. That no Man of whatsoever Condition, should give any *Livery* but to his Domesticks, to his Officers, or to his Counsel learned in either Law.

**Liberty of Land.** See *Vadlat*.

**Livery of Seisin**, (*Deliberatio Seisina*) Is a Delivery of Possession of Lands, Tenements, or other corporeal Thing, (for of Things incorporeal no *Livery of Seisin* may be) to one that has Right, or a Probability of Right thereunto. For, (as *Bracton* says, lib. 2. cap. 18. num. 3.) *Traditio debet esse vestita, & non nuda.* It is a Ceremony used in Conveyance of Lands or Tenements, where an Estate in Fee-simple, Fee-tail, or a Freehold passeth: And it is a Testimonial of the willing Departure of him, who makes the *Livery* from the Thing whereof *Livery* is made. And the Receiving of the *Livery*, is a willing Acceptance by the other Party of all that whereof the other hath divested himself. The common Manner of Delivery of *Seisin*, is thus: If it be in the open Field, where is no House nor Building, and if the Estate pass by Deed, one openly reads it, or declares the Effect of it, and after that is sealed, the Vendor takes it in his Hands, with a Clod of Earth upon a Twig or Bough, which he delivers to the Vendee, in the Name of Possession or Seisin, according to the Effect of the Deed: But if there be a House or Building upon the Land, then this is to be done at the Door of it, (none being left at that Time within the House) and the Ring of the Door delivered to the Vendee, who enters alone, shuts the Door, and presently opens it again. If it be a House without Land or Ground, the *Livery* is made, and Possession taken by Delivery of the Ring of the Door and Deed only. And where it is without Deed, either of Lands or Tenements, there the Party declares by Word of Mouth, before Witnesses, the Estate he parts with, and then delivers *Seisin* or Possession in Manner aforesaid: And so the Land or Tenement passeth as well as by Deed, and that by Force of the *Livery of Seisin*. See *Westf. Symbol. part. 1. lib. 2. sect. 196.* and *Coke on Littl. fol. 48. a.* There was anciently a Pair of Gloves, a Ring, Knife, Ear of Wheat, &c. delivered in Sign or Token of *Livery and Seisin*.—*quam donationem, per unum cultellum super Altare Sanctæ Mariæ optuli.*

*optuli, astante Priore, &c.* Charta Rob. Comitiss Nottinghamiæ, An. 1142.

**Lobbe**, A great Kind of North-Sea Fish. Anno 31 E. 3. Stat. 3. cap. 2.

**Local**, *Localis*, Signifieth in a legal Sense as much as tied or annexed to a Place: For Example. The Thing is *local*, and annexed to the Freehold. *Kitchin*, fol. 180. And again, in the same Place, an Action of Trespass for Battery, &c. is transitory, not *local*, that is, not needful that the Place of the Battery should be set down as material in the Declaration, or if it be set down, that the Defendant should traverse it, by saying, he did not commit the Battery in the Place mentioned in the Declaration, and so avoid the Action. And again, fol. 230. the Place is not *local*, that is, not material to be set down in certain. The Guard of the Person, and of the Land differ in this, because the Person being transitory, the Lord may have his Ravishment *de gard*, before he be seized of him, but not so of the Land, because it is *local*. *Perkin's Grants*, 30.

**Lockman**. In the Isle of Man, the Lockman is an Officer to execute the Orders of the Governor or Deemsters, much like our Under-Sheriff. See *King's Description of the Isle of Man*, pag. 26.

**Locus** Is a Word mentioned in *Simeon Dunelm.* cap. 6. 10. and it signifies a Coffin, *cujus corpus in loculo plumbeo translatus est.*

**Locus Partitus** Signifies a Division made between two Towns or Counties to make Trial, in whether the Land or Place in question lies. *Fleta*, lib. 4. cap. 15. num. 1.

**Locutorium**, A Locutory or Parlour. The Religious after they had din'd in their common Refectory, had a withdrawing Room, where they met for Discourse and Conversation, which Room for that sociable Use, they called *Locutorium a Loquendo*, and Parlour a *Fr. Parler*. They had another Room which was called *Locutorium forinsecum*, where they might talk with Lay-Men. *Interim ribaldi cum instrumentis clausum ingredienti de locutorio forinsecio Lapides molares levaverunt.* *Walsingham*, p. 257.

**Lodemanager** Is the Hire of a Pilot for conducting a Vessel from one Place to another.

**Lodemerege**. *Item en droit de Lodemerege dient les avantditz Jurez, que leur semble c'est case, ils ne sceyvent meilleur adosse ne remedy, mais que ce soit desore user & fait per maner qu'est conteyne en le Ley D'Oleron.* *Pryn's Animadv.* on 4 Inst. fol. 116. *Chaucer* expounds it to be the Skill or Art of Navigation.

**Lodeship**, A Kind of Fishing-Vessel, mentioned 31 Edw. 3. cap. 2.

**Lodesworks**, (from the Sax. *Lada*, a Water-course) One of the Works belonging to the Stannaries in Cornwall; for which, see *Stream-works*.

**Logating**, An unlawful Game, mentioned 33 Hen. 1. cap. 9. Now disused.

**Logia**, A Lodge or Lodgment. — *Circa Abbatiam castra metati sunt, sicut gentes tentoria sua, & Logias facientes.* — *Quo audito annali illi qui in Logiis jam quindecim diebus Excubias fecerant, eadem Logias combusserunt, & recesserunt ad propria.* *Hist. Croyland Contin.* p. 454. **Logium**, an Out-house or Hovel, still called a Lodge in Kent. *Cementarii in opere fabricæ Ecclesiæ Eboracensis dormitandi tempus habent post nonum in æstate, dormiunt autem in Logio quo operantur, & non alibi.* — Anno 1371. *Reg. Ebor.* Hence *Logges*, Huts or Cottages for Lodging poorer Sort of People. — *Presentatum*

*fuit per Furatores quod Prior de Tynemuth levavit unam villam super ripam aquæ, & Tyne apud Sholes ex una parte aquæ, & Prior Dunelmie levavit aliam ex altera parte aquæ, ubi nulla villa deberet esse, nisi tantummodo Logges de quibus Piscatores possent Hospitari.* — *Placit. Parl.* 18 E. 1.

**Logwood**, Otherwise called *Blockwood*, brought from *Campeche*, and divers other remote Parts, and prohibited by the Statute of 23 Eliz. cap. 9. and 39 Eliz. cap. 11. but since by 14 Car. 2. cap. 11, the Importation and Use of it is allowed.

**Loich** or **Loych** Fish. (31 Edw. 3. Stat. 3. cap. 2.) *And that no Fish called Loych Fish, be chosen or tried, but only in three Parts, that is to say, Lob, Ling and Cod.*

**Lollards**, (so called from *Walter Lollard*, a German, first Author of this Sect, living about the Year 1315.) Were certain Hereticks (at least in the Opinion of those Times) that abounded here in England in the Days of Edward the Third, and Henry the Fifth, whereof *Wickliff* was the Chief in this Nation, according to *Stow* in his *Annals*, f. 425. They are mentioned Anno 2 Hen. 5. cap. 7. Against these Lollards, much was decreed by *Tho. Arundel*, Archbishop of Canterbury, in a Council at Oxford. See their Tenets in *Spotswood's History* of Scotland, fol. 61. The High Sheriff of every County was anciently bound by his Oath to suppress them.

— You shall (says the Oath) do all your Pain and Diligence to destroy, and make to cease, all Manner of Heresy and Errors, commonly called Lollardies, within your Bailiwick, from Time to Time with all your Power, &c.

The Intent of these Lollards was, to subvert the Christian Faith, the Law of God, the Church, and the Realm; so said the Statute of 2 Hen. 5. cap. 7. which was repealed 1 Edw. 6. cap. 12. See 3 Inst. fol. 41. and *Cawdrie's Case*. *Edw. Coke's Case*, 1 par. fol. 25, &c. The Lord Keeper assembled all the Justices, and conceived that Clause in the Oath, touching suppressing Lollardies, should be omitted, because appointed by Statutes that are repealed. This is now held for the true Religion.

**Lollardy** and **Lollery**, (Anno 1 & 2 Phil. & Mar. cap. 6.) The Doctrine and Opinion of the Lollards. *Rogerus Aton miles pro Proditiōe & Lollardia distrabatur & suspendatur, & sic suspensus pendat ad voluntatem Regis.* *Middlesex Plac. Hill.* 1 Hen. 5. Rot. 7. & *Trin.* 2 Hen. 5. Rot. 6.

**London**, formerly called *Augusta*.

**Longellus** Is a Word used in *Thorn's Chronicle*, and it signifies *Speciem fraguli*, it should be read *Londelli augeantur 20 fragula, 5 coopertoria, 5 longelli, &c.* i. e. five Coverlets.

**Loquela**. *Petronilla de S. debet xx s. pro habenda loquela in curia Domini Regis contra W. de Fauconbridg.* Rot. Pipe. 2. *Johannis Linc.* An Imparlance. *Loquela sine die* a Respite in Law, or a Demur to an indefinite Time. — *Si vir tenens fuerit infra ætatem, & uxor plena ætatis, cum implacitati fuerint, non remanebit loquela sine die propter minorem ætatem viri.* *Paroch. Antiquit.* p. 201.

**Loquericium**. See *Locutorium*.

**Lord**, (*Dominus*, Sax. *Hlaford*, signifying a Bread-giver, Bountiful or Hospitable) Is a Word of Honour with us, and used diversly. Sometimes being attributed to those who are Noble by Birth or



or Creation, and are otherwise called *Lords of the Parliament*, and Peers of the Realm: Sometimes to those so called by the Curtesy of England, as all the Sons of a Duke or Marquess, and the eldest Son of an Earl: Sometimes to Persons Honourable by Office, as Lord Chief Justice, &c. And sometimes to an inferior Person that hath Fee, and consequently the Homage of Tenants within his Manor; for by his Tenants he is called Lord, and in some Places, for Distinction-sake, *Landlord*: In which last Signification, it is most used in our Law-Books, where it is divided into Lord Paramount, and Lord Mesn. Lord Mesn is he that is Owner of a Manor, and by Virtue thereof hath Tenants holding of him in Fee, and by Copy of Court-Roll; and yet holds himself of a Superior Lord, called Lord Paramount, or above him. *Old Nat. Brev. fol. 79.* We likewise read of *Very Lord* and *Very Tenant*: *Very Lord* is he who is immediate Lord to his Tenant; and *Very Tenant*, he that holds immediately of that Lord: So that if there be Lord Paramount, Lord Mesn, and Tenant; the Lord Paramount is not *Very Lord* to the Tenant. *Broke, Tit. Heriot, numb. 1. See Langemanni.*

*Lord in Gross*, *F. N. B. fol. 3.* Is he that is Lord, having no Manor, as the King in respect of his Crown, *Ibid. fol. 5. and fol. 8.* where is a Case wherein a private Man is Lord in Gross, viz. A Man makes a Gift in Tail of all the Land he hath, to hold of him, and dieth; his Heir hath but a Seigniori in Gross.

*Lorimers*, or *Lozimers*, May well be deduced from the Latin *Lorum*: They are one of the Companies of London that make Bits for Bridles, Spurs, and such like small Iron Ware. *1 R. 2. cap. 12.*

*Losing*, i. e. A Flatterer: We read it in *Bromton's Chronicle*, pag. 991. *Herbertus losinga*, that is, Herbert the Sycophant, *Episcopatum, &c. Emit de Rege.* Godwin writing of the Bishops of Norwich, mentions this Herbert; *Surgit in Ecclesia Monstrum genitore Losinga.* See *Monast. 2 Tom. pag. 218.*

*Lot*, or *Loth*, Is the Thirteenth Dish of Lead in the Derbyshire Mines, which belongs to the King, *Pro Domino suo.*—*Presentatum est in Ragemannis per 12 de Alto Pecco, quod Rad. de Wyne fecit quandam Purpresturam in solo Domini Regis in Tatington & Prestelive, faciendo mineram plumbi, unde Rex solebat percipere le Lot mineris, i. e. Tertium decimum vas, &c.* *Rot. Rageman de quo Warranto de Itin. de Derbi. 9 Edw. 1. Et de minera licitata in hujusmodi opere in feodo Domini Regis, Dominus Rex habebit pro Domino suo tertium decimum discum, qui dicitur le Loth.* *Eschaet. de Anno 16 Edw. 1. numb. 34. See Cope.*

*Lot.* See *Sot.* *Clameo quietum eis in perpetuum manerium illud quod se pro bida una defendebat, quietum dico & liberum de Scotto & Lotto, & Geldo & Danegeldo.* *Monastic. Tom. 1. pag. 779.*

*Lothertwite*, alias *Leyertwite*. Is a Liberty or Privilege to take Amends of him that defileth your Bond-woman without License, *Rastal's Exposition of Words*; so that it is an Amends for lying with a Bond-woman. *Saxton in his Description of England*, cap. 11. See *Lairwit*. Some think it should rather be written *Legerwit*, for *Leger* is the Saxon Word for a Bed; or *Lecherwite*, a Punishment for *Lechery*. See *Blodwyt* and *Leyerwit*.

*Loventium*, *Levenny* in Brecknockshire.

*Lourcurdus*, A Ram or Bell-weather.—*Abbas habuit in saurum multones 1630. matronas*

2611. *Lourcurdos 32. Gredelingos & bogastros 1162. Augnos. de anno primo 1276. summa ovium omnium per totum 6717.*—*Chartular. Glatton. MS. f. 54. a.*

*Lourgulary*, (Fr. *Lourderie*, i. e. *Inhumanitas, Incivilitas.*) In *Statuto pro stratis London*, Printed Anno 1573. Art. 45. Casting any corrupt Thing, or poisoning the Water, is *Lourgulary* and Felony. Some think it a Corruption of *Burglary*. See *Gloss. in X. Scriptores, verbo Burglaria.*

*Lowwellers*, 23 Eliz. cap. 10. Are such as go with Light and a Bell, by the Sight whereof Birds sitting on the Ground, become somewhat stupified, and so are taken with a Net. This Name is derived from the Word *Low*, which in the Saxon, or old English, signifies a Flame of Fire. See the *Antiquities of Warwickshire*, pag. 4.

*Lowbote*, A Recompence for the Death of a Man killed in a Tumult, or, as we say, by the Mob.

*Ludi de Rege & Regina*, i. e. Playing at Cards, so called, because there are Kings and Queens in the Pack. *Prohibemus etiam Clericis ne intersint Ludis inhonestis, &c. nec sustineant ludos fieri de Rege & Regina, &c. Du Cange.*

*Lugoballum*, *Carlisle.*

*Luminare*, A Lamp or Candle set burning on the Altar of any Church or Chapel, for the Maintenance of which, Lands and Rent-charges were frequently given to Religious Houses, and Parish-Churches. See *Mr. Kennett's Glossary to Parochial Antiquities.*

*Lunda*, A Weight formerly used here. *Lunda angillarum constat de 10 sicis. Fleeta, lib. 2. cap. 12. par. 7.*

*Lundessa*, A Sterling or Easterling, in a restrained Sense, signified nothing but a Silver Penny, which at first was about three Times as heavy as a Penny is now, and was once called a *Lundress*, because it was to be coined only at London, and not at the Country Mints. *Vid. Lowndes's Essay upon Coins, p. 17.*

*Lupanatrix*, A Bawd or Strumpet. *Rex majori & Vic. London Salut'. Quia intelleximus quod plures Roberia & Murdra perpetrantur per receptatores & receptatrices publicas Lupanatrices in diversis locis in Civitate nostra predicta, &c. Claus. 4 Ed. 1. p. 1. m. 16. dorso.*

*Lupinum caput gerere*, To be outlawed, and so have One's Head expos'd like a Wolf's, with a Reward to him that shall bring it in.—*Hugo filius Walteri Presbyteri utlegatus non comparuit, unde dictum fuit quod ex quo Hugo noluit comparere ad pacem Regis, quod gereret Lupinum caput, sicut prius fecit.*—*Placita Corona 4. Joh. Rot. 2. in dorso.*

*Lupulicetum*, A Place where Hops grow, a Hop-Garden. *Co. 1 Inst. 4. b.*

*Lusernes.* See *Furr.*

*Lusgul.*—In *Scottis*, & *Geldis*, & *Danegeldis*, & *Lusgul*, & *Warpeni*, & *Nupeni*, & de omnibus consuetudinibus quae ad me pertinent. *Charta Hen. 2. G. G. n. 2. q.*

*Lushburghs*, al. *Luxenburghs*, Was a base Sort of Money coined beyond Seas, to the Likeness of English Money, in the Days of Edward the Third, and brought in to deceive the King and his People. To avoid which, it was made Treason for any Man wittingly to bring in any such. *Anno 25 Edw. 3. Stat. 4. cap. 2. 3 Part Inst. fol. 1. Knight, Anno 1347, tells us, That in eodem Anno defertur*

defertur in Angliam per alienigenas & indigenas mercatores falsa moneta, quæ Luffiburn appellata est, unde apud Londoniam multi mercatores & alii plures sunt tracti & suspensi.

**Luffrum.** See **Curriculum**.

**Lyc-yeld, Lef-silber,** A small Fine or pecuniary Composition paid by the Customary Tenant to the Lord for Leave to plow or sow, &c. Tenentes in Waldis non possunt arare terras suas ab equinoctio autumnali usque Festum beati Martini sine licentia, & ideo reddunt conjunctim dimidiam marcam ad Festum S. Martini, siue fuerit persona, siue non, & vocatur Lyc-yeld. Somner of Gavelkind, p. 27.

**Lymputta:** Extendens se a Lymputta juxta terram I. S. Liber niger Hereford. It signifies a Lime-Pit.

**Lynedwode** Was a Doctor both of the Civil and Canon Laws, and Dean of the Arches: He was Ambassador for Henry the Fifth into Portugal, Anno 1422, as appeareth by the Preface to his Commentary upon the Provincials.

## M.

**M** Is a Numeral Letter, and stands for a Thousand; also every Person convicted for Murder (Manslaughter) and admitted to the Benefit of his Clergy, must be marked on the Brawn of the left Thumb with an M by 4 H. 7. cap. 13.

**Mace-griete, alias Mace-greffe, Machecarii,** Arc such as willingly buy and sell stolen Flesh, knowing the same to be stolen, Britton, cap. 29. and Crompton's Justice of Peace, fol. 193. Vide Leges Ina, cap. 20. de carne furtivam tenente. De Maccegrariis carnes furtivas scientibus, vendentibus & emmentibus. Stat. Walliz.

**Macecaria, Machekuna, Macellam,** The Flesh-Market or Shambles.—de una selda in Maccecaria que sita est inter seldam Walteri Subred & Seldam Edwardi Galun.—Chartular. Radinges. MS. f. 127.

**Macherarius, A Butcher.**—Cum autem dictum est, quod nullus hominum emeret absque plegiis animalivum, clamaverunt Machecarii de civitatibus & burgis—quod unaquaque die oportebat eos animalia viva emere, occidere, & vendere. Leg. Edwardi Regis, cap. 39.

**Macherollare vel Macheroulare** (from the Fr. *Mascheconlis*) to make a warlike Device, especially over the Gate of a Castle, resembling a Grate, through which scalding Water, or offensive Things may be thrown upon Pioneers or Assaultants. 1 Inst. fol. 5. a.

**Mactio, A Mason.**—Ipse cum Macione & maturis necessariisque ministris reliquias in maceria recondidit.—Oderic. Vital. l. 6.—Accitis itaque artificibus—latomisque cum macionibus illic ad opus agendum profectus est. Ibid. cap. 12.

**Magning-money, Old Roman Coins,** sometime found about Dunstable, are so called by the Country-People; they seem to retain this Name from Magintum, used by the Emperor Antoninus in his Itinerary for Dunstable. Cambd.

**Magrigals** Is an old Word, signifying Country Songs.

**Madus, Maidstone in Kent.**

**Maeremium, and Meremium,** Is derived from the old French Word *Meresme*, for Timber. It properly signifies any Sort of Wood fit for Building seu quodvis Materiamen, from whence the Word is derived. See *Materia*.

**Rex—dilecto—Rogero de Horsley Constabulario Castri sui de Baumburg, salutem.** Mandamus vobis quod homines partium predicti. nuper in Castro predicto pro salvatione Corporum & rerum suarum contra aggressus Scotorum commorantes, Maeremium de longis suis, necnon bona & catalla ac victualia sua in eodem Castro, & in Fossato & Mota ejusdem existentia, sine impedimento, capere & caviare, & quo voluerint asportare, permittatis, &c. T. Rege apud Corwyk 12 Junii. Claus. 16 Ed. 2. m. 3.

**Magbote or Magbote,** A Recompence for the Slaying or Murder of one's Kinsman; for anciently in this Nation, corporal Punishments for Murder, and other great Offences, were sometimes commuted into pecuniary Fines, if the Friends of the Party slain were so content. Leg. Canuti Regis, part 1. cap. 2.

**Magt, Old Radnor.**

**Magiovinum, Dunstable.**

**Magister:** In old Writings we find this Title often, as *His testibus Magistro Johanne de Croft.* It noted the Person had attained some Degree of Eminency in Scientia aliqua, præsertim literaria. And in old Time those, who are now called Doctors, were termed *Magistri*.

**Magistrat, Magistratus.** He is *Custos utriusque tabule*, the Keeper or Preserver of both Tables of the Law; therefore if any *Magistrate*, or Minister of Justice, in Execution of their Office, or keeping of the Peace, according to the Duty of their Office, be slain, this is *Murder*, for their Contempt and Disobedience to the King and the Law, for it is *contra potestatem Regis & Legis*. Co. 9 Rep. *Mackallye's Case*.

**Magna Assisa eligenda** Is a Writ directed to the Sheriff, to summon four lawful Knights before the Justices of Assise, there upon their Oaths to chuse Twelve Knights of the Vicinage, &c. to pass upon the *Great Assise* between A. Plaintiff, and B. Defendant, &c. Reg. Orig. fol. 8.

**Magna Charta, The Great Charter,** was granted the Ninth Year of Henry the Third, and confirmed by Edward the First. The Reason why it was termed *Magna Charta*, was either for that it contained the Sum of all the Liberties of England, or else because there was another Charter, called *Charta de Foresta*, establish'd with it, which was the less of the Two; or because it contained more than many other Charters, or more than that of King Henry the First, or of the great and remarkable Solemnity in the denouncing Excommunication, and direful *Anathema's* against the Infringers of it. We read in *Holinshed*, that King John, to appease his Barons, yielded to Laws or Articles of Government, much like to this *Great Charter*: But we have now no ancienter written Law than this, which was thought to be so beneficial to the Subject, and a Law of so great Equity, in Comparison of those which were formerly in use, that King Henry, for the Granting it, had the fifteenth Penny of all the moveable Goods, both of the *Spirituality* and *Temporality* throughout the Realm. *Spelman* in his *Gloss.* on this Word, calls it, *Augustissimum Anglicarum libertatum diploma & sacra Anchora*. It is *Magnum in Parvo*, and hath been above Thirty Times confirmed, says *Coke* upon *Littleton*, fol. 81. It is recorded, That when Hen. 3. confirmed it, he swore, on the Word and Faith of a King, a Christian, and a Knight, to observe it. See *Charta Magna*.

**Magna pccaria.** A great or general Recapday: The Lord of the Manor of Harrow in Com. Middlesex, had (in 21 R. 2.) a Custom, that by Summons

Summons of his Bailiff upon a General Reap-day (then called *Magna precaria*) the Tenants should do 199 Days work for him; every Tenant that had a Chimney was to send a Man. Mr. Phillips of Purveyance, pag. 145.

*Magnum Centum, Communem pasturam ad quadringentas oves per Magnum Centum cum tot agnis.* Carta 20 Hen. 3. m. 1. This great Hundred is Six-score.

*Magus Doctus, Portsmouth.*

*Mahomeria*, The Temple of *Mahomet*, so called by *Matt. Paris*; and because the Gestures, Noise and Songs there used were ridiculous to the Christians, therefore they called antick Dancing, and every ridiculous Thing, a *Momerie*.

*Maiden Rents* Is a Noble paid by every Tenant in the Manor of *Builth* in *Com. Radnor*, at their Marriage, and it was anciently given to the Lord for his omitting the Custom of *Marcheta*, whereby some think he was to have the first Night's Lodging with his Tenant's Wife: But I rather suppose it to be a Fine for the Licence to marry a Daughter. See *Marcheta*.

*Maidstone.* See *Vagniac*.

*Maidulf Urbs, Malmesbury* in *Wiltshire*. So called from *Maidulfus*, an *Irish Scot*, who built a Monastery there, in which *Adelmus* was the first Monk, and his intended Successor, who afterwards built a very fair Monastery in the same Place.

*Maignagium*, (from the Fr. *Maignen*, i. e. *Faber ararius*) a Brasier's Shop. *Idem Hugo tenebat unum Maignagium in foro ejusdem ville, &c.* Lib. Ramef. sect. 265. See *Cotland*. But others are of Opinion that it signifies an House, *quasi Messuagium*.

*Mathem*, or *Mathem*, *Mahemium*, *Maim*, *Wound*, *Hurt*, cometh of the French Word *Maigne*, and signifies a corporal Hurt, by which a Man loseth the Use of any Member, that is or might be any Defence unto him in Battel: As if a Bone be taken out of the Head, or broken in any other Part of the Body or Foot, or Hand or Finger, or Joint of a Foot, or any Member be cut, or by Wound the Sinews be made to shrink; or if any Eye be put out, fore-teeth broke, or any other Thing hurt in any Man's Body, whereby he is disabled to defend himself, or offend his Enemy. *Glancile*, lib. 14. cap. 7. See *Bracton* at large, lib. 3. tract. 2. cap. 24. num. 3. *Britton*, cap. 25. and *Stauford*. Pl. Cor. lib. 1. cap. 41. and *The Mirror of Justices*, cap. de Homicide. But the Cutting off an Ear or Nose, the Breaking of the hinder Teeth or such like, was no *Mayhem*, it being rather a Deformity of Body, than Diminishing of Strength. But now by the Statute of 22 & 23 Car. 2. cap. 1. the Cutting off a Nose, or Cutting off or Disabling any Limb or Member, is made Felony without Benefit of Clergy: *Mayhem* is commonly tried by the Justices inspecting the Party: And if they doubt whether it be a *Mayhem*, or not, they use to take the Opinion of some able Chirurgeon in the Point. The *Grand Custumary* of *Normandy*, cap. 6. calls it *Mahaignium*, and the Canonists, *Membri mutilationem*; but all agree, that it is the Loss of a Member, or the Use thereof; and *Membrum*, *Cassan. de Conf. Burg.* pag. 168. defines thus, *Est pars corporis habens destinatam operationem in corpore*. See *Skene de verborum significatione*, verbo *Macchianum*. See *Co. on Lit.* lib. 2. cap. 11. sect. 194. *Homo Mahemiatu*, a Man maimed or wounded. By the old English Law there lay an

Appeal for *Mahem* or wilful Wounding: When it was laid to the Charge of the Defendant or Appellee, that he did it *nequiter in feloniam*, i. e. maliciously, and with an evil or felonious intent: And the Appellant did offer *disfranchiare versus eum*, sicut homo mahemiatu prout curia Domini Regis consideraverit. Vid. *Bracton*, lib. 3. cap. 24. n. 1, 2.

*Mail Inductio*, An old May-game, or ludicrous Custom for the Priest and People in Procession to go to some adjoining Wood on a May-day Morning, and return in a Sort of Triumph, with a May-Pole, Boughs, Flowers, Garlands, and such-like Tokens of the Spring. There was thought to be so much heathen Vanity in this Practice, that it was condemned and inhibited within the Diocese of *Lincoln*, by the good old exemplary Bishop *Groftthead*.—

*Faciant etiam, ut audivimus, Clerici ludos quos vocant Inductionem Maili, & festum Autumni, & Laici scotales, quod nullo modo vos latere possit. Si vestra prudentia super hiis diligenter inquireret.*—*Rob. Grossetest, Episcopi Linc. Epist. apud Append. ad Fasciculum*, p. 382.

*Mail*, *Macula*, a Coat of Mail; it is called Mail, from the French *Maille*, which signified a square Figure, or the square Hole of a Net. So *Maille de haubergeons* is a Coat of Mail, because the Links or Joints in it resembled the Squares of a Net. *Maille*, with a double *ll*, signifies a round Ring of Iron, from hence the Play of *Pail-Mall*, from *palla* a Ball, and the round Ring through which it is to pass.

*Maile*, Anciently a Kind of Money. *Etiam latius accipitur, nec tantum pro denariis pluribus, sed & portione aliqua rei frumentaria vel annonaria; hoc vero in plaga Anglie boreali Blackmaile dicitur, ut pecuniario illo distinguatur.* *Inquis. capta post mortem Wil. de Coway, Anno 20 Edw. 3. n. 69. Lanc. Est in Ulverston quoddam proficuum vocat. Geefmales, & quoddam proficuum apud Plumpton, vocat. Cowmale. Spel. See Blackmaile.*

*Mailes*, Silver Half-pennies. In 9 Hen. 5. by Indenture in the Mint, a Pound-weight of old Sterling Silver was to be coined into Three hundred and sixty Sterlings or Pennies, or Seven hundred and twenty Mailes, or One thousand four hundred and forty Farthings. Vid. *Lowndes's Essays upon Coins*, p. 38.

*Mainad*, A false Oath, Perjury. — *Si nolit abjurare, emendet ipsum Mainad, id est, perjurium dupliciter*—*Leg. Inx Regis*, cap. 34.

*Maine-porte*, (in manu portatum) is a small Tribute, (commonly of Loaves of Bread) which in some Places the Parishioners pay to the Rector of their Church, in Recompence for certain Tithes. See *Waxshot. Vicaria de Wragby*, (in *Com. Linc.*) consistit in toto Altaragio & in Ceragio, vulgariter dict. *Waxshot*, in panibus vulgariter dict. *Mainport*, & in incremento denariorum Sancti Petri, vulgariter dict. *Fire-harth. Spelman*. This *Main-port-Bread* was paid to the Vicar of *Blyth*, as you may see in the *Antiquities of Nottinghamshire*, fol. 473.

*Mainour*, alias *Manour*, alias *Melnour*, From the French *Manier*, i. manu tractare: In a legal Sense, denotes the Thing that a Thief taketh away, or stealth. As to be taken with the *Mainour*, *Pl. Cor.* fol. 179. is to be taken with the Thing stolen about him: And again, fol. 194. it was presented, That a Thief was delivered to the Sheriff or Viscount, together with the *Mainour*:

And again, fol. 186. If a Man be indicted, That he feloniously stole the Goods of another, where, in Truth, they be his own Goods, and the Goods be brought into the Court as the *Mainour*; and it be demanded of him, what he saith to the Goods, and he disclaim them; though he be quitted of the Felony, he shall lose the Goods: And again, fol. 149. If the Defendant were taken with the *Manour*, and the *Manour* be carried to the Court, they, in ancient Times, would arraign him upon the *Manour*, without any Appeal or Indictment. *Si dicti Servientes seu Balivi sui aliquem latronem pro aliquo furto ubicumque fuerit facta, eum Mannopere, infra feodum Domini sui predicti, ceperint seu attach. & si ille latro feloniam illam coram quatuor villat. voluntarie cognoverit, tunc liceat dictis Servientibus seu Balivis suis dictum latronem decollare, & dictus Dux, (Lanc.) tunc habebit omnia bona sua, &c. Plac. apud Cestriam, 31 Edw. 3. de Quo War. in Manner. de Halken. I find this Word used in the Old Nat. Brev. fol. 110. in this Sort: Where a Man maketh a Thing by *Manour*, or Levying or Estopping; in such Case he shall have an Assise; where it signifies handy Labour, and is but an Abbreviation of *Mainovery*.*

*Mainpernable*, That may be let to Bail, bailable. See the Statute of *Westm. 1. cap. 15. made Anno 3 E. 1.* what Persons be *mainpernable*, and what not.

*Mainpernors*, *Manuceptores*, Are those Persons to whom a Person is delivered out of Custody or Prison, and they become Security for him, either for Appearance or Satisfaction; they are called *Manu-aptores*, because they do it as it were *manu capere & ducere captivum e custodia vel prisona*. And the Prisoner is said to be delivered to Bail, from the Words of the Bail-piece, viz. *A. B. &c. traditur in Ballium J. D. & R. R. &c.* See *Mainprise*.

*Mainprise*, *Manuceptio*, Is compounded of two French words, viz. *Main*, *manus*, *Pris*, *captus*: It signifies in our Law, the Taking or Receiving a Man into friendly Custody, that otherwise is or might be committed to Prison, upon Security given for his forth-coming at a Day assigned: And they that thus undertake for any, are called *Mainpernors*, because they do receive him into their Hands, *Staundf. Pl. Cor. fol. 178.* from hence comes the Word *Mainpernable*, which denotes him that may thus be bailed; For in many Cases a Man is not *mainpernable*, whereof see *Bro. Tit. Mainprise per totum*, and *F. N. B. fol. 249.* *Manwood* in his *Forest Laws*, pag. 167. makes a great Difference between Bail and *Mainprise*; for he that is *mainprised* (saith he) is always said to be at large, and to go at his own Liberty out of Ward until the Day of his Appearance; but otherwise it is, where a Man is let to bail to four or two Men by the Lord Chief Justice in Eyre of the Forest, or any other Judge, until a certain Day; for there he is always accounted by the Law to be in their Ward and Custody for the Time: And they may, if they will, keep him in Ward or in Prison all that Time, or otherwise at their Will; so that he that is so bailed, shall not be said by the Law to be at large, or at his own Liberty: Thus far *Manwood*. The *Mirror of Justice* distinguishing between Pledges and *Mainpernors*, saith, That Pledges are more general, and that *Mainpernors*, are Body for Body, *lib. 2. cap. de Trespass venial*, and *lib. 3. cap. des Pledges & Mainpernors*. When *Mainprises* may be granted,

and when not, see *Cromp. Just. of Peace*, fol. 136, and 141. and *Lamb. Eiren. lib. 3. cap. 2. pag. 336, 337, 338, 339, 340.* See also *Britton*, fol. 37. cap. *des Pledges & Mainpernors*. Lastly, The *Mirror of Justice* saith, That Pledges be those that bail or redeem any Thing but the Body of a Man, but *Mainpernors* are those that free the Body of a Man; and therefore that Pledges belong properly to real and mix'd Actions, and *Mainpernors* to personal.

*Mainmoot*, In the North, signifies as much as *forfeign*. *Brownl. Rep. 4. Hob. Rep. 8.*

*Mainmoot*, 19 H. 7. 14. Is he that supports or seconds a Cause depending in Suit between others, either by disbursing Money, or making Friends for either Party towards his Help.

*Maintenance*, *Manutentio* and *manutentia*, Signifies the Upholding of a Cause or Person, either by Word, Writing, Countenance, or Deed; metaphorically drawn from succouring a young Child, that learns to go by one's Hand: In Law it is taken in the worst Sense, as appears by 32 H. 8. 9. And when a Man's Act in this Kind is by Law accounted *Maintenance*, and when not, see *Broke, Tit. Maintenance*, and *Kitchin*, fol. 202. and *F. N. B. fol. 172.* and *Cromp. Jurisd. fol. 38.* The Writ that lies against a Man for this Offence, is called *Maintenance*. See *Co. on Lit. fol. 368.* *Special Maintenance*, *Kitchin*, fol. 204. seemeth to be *Maintenance*, most properly so termed. Of this see *Cromp. Justice of Peace*, fol. 155. and the *New Book of Entries, verbo Maintenance*.

*Manure*. See *Minovery*.

*Maio*, A Mayor, doth not come from the Lat. Major, but from an Old English Word *Maier*, i. e. *Potestas*.

*Mainnade*, i. e. A Family, *quasi Mansionata*.

*Maison Dieu*, (Fr.) An Hospital or Alms-house. See *Meason Dieu*.

*Maisura*—*Baldwinus Comes. Exon omnibus Baronibus suis & Hominibus Francis & Anglis—dedit Maisuram, quam ipse tenet, &c. sine dat. MS. Cartarum penes Eli. Ashmole, Arm. Inter antiquas consuetudines Abbatis. S. Edmundi—Siquis habuerit in villa unam maisuram terra dabit inde per annum preposito 1 Obolum ad 11 Terminos—Et siquis plures maisuras habuerit tot obolos quot maisuras.—Cartular. S. Edmundi. MS. fol. 314.* A House, a Mansion, a Farm: From the Fr. *Maison*, *Demus*. See *Mansura*.

*Majus-jus* Is a Writ or Proceeding in some customary Manors in order to a Trial of Right of Land, and the Entry is—*Ad banc Curiam venit W. L. in propria Persona sua, & dat Domino ii. Sol. ad vidend. Rotulos Curie & petit inquirend. utrum ipse habet Majus-jus in uno Messuagio, &c. an N. T. & super hoc Homag. dicunt, &c. Ex libro MS. Vocat. Butterfield in Episcopat. Heref. de temp. E. 3. fol. 244. b.*

*Make*, *Facere*, Signifies to perform or execute; as to *make his Law*, is to perform that Law which he hath formerly bound himself to: That is, to clear himself of an Action commenced against him by his Oath, and the Oaths of his Neighbours. *Old. Nat. Brev. fol. 161. Kitchin. fol. 192. Si Placitum debiti vel transgressionis vel aliquod Placitum fuerit inter vicinos, & defendentes negaverint & vadierint Legem versus Querentem, solebant facere Legem cum tertia manu, &c. (Inq. de Consuetud. Manerii de Sutton Colfeld a tempore Athelstani Regis) i. e. The Defendants were to bring three Persons to swear with them. Which Law seemeth*



seemeth to be borrowed of the *Feudists*, who call those Men that come to swear for another in this Case *Sacramentales*. Of whom *Hottoman* saith thus, in *verbis Feudal*. *Sacramentales a Sacramento*, id est, juramento dicebantur ii, qui quomodo rei de qua ambigebatur, testes non fuissent, tamen ex ejus, cujus res agebatur, animi sententia, in eadem quæ illi verba jurabant, illius videlicet probitate & innocentia confisi, &c. The formal Words used by him that makes his Law, are commonly these, Hear, O ye Justices, that I do not own this Sum of Money demanded, neither in all nor any Part thereof in Manner and Form declared. So help me God, and the Contents of this Book. To make Services or Custom, is nothing else but to perform them. *Old Nat. Brev. fol. 14.* To make Oath, is to take Oath.

*Bala*, A Male, a *Porte-Mail*, a Bag to carry Letters, Writings, &c. Among the Rules of the Order of the Knights Templar, cap. 40. *Sacculus & mala cum firmatura non conceduntur.*— I suspect the Word was originally British, because *Mala* or *Maile* is said in the Modern Irish to signify a Pouch, Satchel, or Bag.

*Malandrinus*, i. e. A Thief or Pirate: 'Tis mentioned in *Walsingham*, pag. 388. viz. *Brigantium more semivestitus gestans ad latus sagittas breves, qualiter utuntur equites Italia qui Malendriini vocantur.*

*Malberac*, i. e. *Mons placiti*, a Hill where the People assembled like our Assizes, which by the Scots and Irish are called *Parly-Hills*. *Du Cange.*

*Malden*. See *Camelodunum*.

*Malcreditus*, i. e. One who is suspected, who cannot be trusted; so in *Fleta*, lib. 1. cap. 38. par. 21. *Recedet inde appellatus omnino quietus, dum tamen a suo visneto non fuerit Malecreditus, &c.*

*Malediction*, (*Maledictio*), A Curse, which was of old usually annexed to Donations of Land, made to Churches and Religious Houses. *Si quis autem (quod non optamus), hanc nostram Donationem infringere temptaverit, perpeffus sit gelidis glacierum statibus & malignorum Spirituum; terribiles tormentorum cruciatus evasisse non quiescat, nisi prius in riguis pœnitentie gemitibus, & pura emendatione emendaverit.* *Charta Regis Athelstani Monast. de Wiltunc. Anno 933.*

Again, *Venientibus contra hac & destruentibus ea, occurrat Deus in gladio ira & furoris & vindictæ & maledictionis æternæ. Servantibus autem hac & defendentibus ea, occurrat Deus in pace, gratia & misericordia & salute æterna. Amen, Amen, Amen.* *Charta Willielmi de Warennæ, Surreiæ Comitis.*

*Quod si forte post hac aliquis heredum meorum de hiis Eleemosynis a præfata Ecclesia aliquid abstulerit, ex ore meo in conspectu Dei sit ille maledictus, & in tremendo Judio, nisi resipuerit, condemnatus. Amen.* *Charta Roberti Camerarii Comitis Richmundiæ, in Bibl. Cotton.*

*Malefacer*, (from the Fr. *Malfaire*, i. e. To offend or transgress), A Doing of Evil, a Transgressing. *Croke's Rep. 2 Par. fol. 266.*

*Malefwoyn*, In the North, signifies as much as *Forsworn*. *Brownloe's Rep. 4. Hobart's Rep. 8.*

*Maletent*, or *Maletotte*. *Malum vel indebitum Telonium*, In the Statute called *The Confirmation of the Liberties*, &c. 25 E. 1. cap. 7. Is interpreted to be a Toll of Forty Shillings for every Sack of Wool. *Stow* in his *Annals* calls it a *Maletor*, pag. 461. See also the Statute de *Tallagio non concedendo*, Anno 35 E. 1. Nothing from henceforth shall be taken of Sacks of Wool, by Colour or Deceit

of *Maletent*. In France they had an extraordinary Tax called *Maleteste*, first exacted by *Philip the Fair*.

*Malignare* Signifies the same as to main any one. *Qui ordinatum occiderit vel Malignaverit emendet ei sicut vestum est.* Leg. H. 1. cap. 11.

*Malignus*, i. e. *Diabolus*.

*Prob Dolor*, hunc pepulit propria de sede *Malignus*.

*Malin*. See *Marle*.

*Malina*. See *Ledo*.

*Malinsbury*. See *Maidulst urbs*.

*Malo grato*, Unwillingly. *Libertatem Ecclesiæ quam ipse nunquam auxit, sed magnifici antecessores sui Malo grato suo stabilierunt; i. e. He being unwilling.* *Matt Paris. Anne 1245.*

*Malt-mulna*, A Quern or Malt-mill. The Word occurs in *Mat. Paris's Lives of the Abbots of St. Albans*, &c.

*Malt-shot*, *Malt-sot*, Some Payment for making Malt. *Solverit de Malt-shot termino circumcissionis Domini 20 Denarios.* *Somner of Gavelkind*, p. 27.

*Malvillies*, (from the French *Malvueillance*, i. Malice), May haply be used in our Records for Misdemeanors, or malicious Practices. *Record. de hiis quæ fiebant in Parl. 4. Ed. 3. liberata in Cancellaria per Hen. dē Ednaston Clericum Parl.*— *Ces sont les Treasons, Felonies & Malveilles faitz au nostre Seigneur le Roy & a son Peuple per Roger de Mortimer, &c.* *Ex libro nigro de Wigmore penes Edw. Harley. Mil. Balnei.*

*Malbrisin*, Fr. *Malvais voisin*, *malus vicinus*, The ill Neighbour, a warlike Engine so called, to cast Stones, &c. for Battery of Walls. *Propter petriariam quæ Malveisine Gallice nuncupatur, quæ cum machinis aliis Franci ante castrum locata muros acriter crebris ictibus verberabant.* *Mat. Paris. sub Anno 1216.*

*Malveis prociuroz*, In *Artic. super Chart. cap. 10.* is understood of such as use to pack Juries by Nomination, or other Practice, 2 *Inft.* fol. 561.

*Man* Sometimes signifies a Nag, from the Lat. *Mannus*: And therefore amongst the Laws of King Alfred we find *Mambæof*, i. e. an Horse-stealer.

*Man*, i. e. An old Woman. We read it in *Gervase of Tilbury*, cap. 95. *Mulieres agnosco Manas nostras quæ processerunt in diebus istis, &c.*

*Managium*, (from the French *Menage*, a Dwelling or Inhabiting) A Mansion-house, or Dwelling-place. *Concessi capitale Managium meum cum pertinentiis.* *Charta Nich. de Balsham sine dat. Managium ejusdem Hugonis cum campo adjacente.* *Mon. Ang. 2 Tom. pag. 82.*

*Manwote*, Signifies a Recompence for Homicide, or a pecuniary Compensation to the Lord for the Slaughter of his Vassal. *Spelman* in his First Volume, *concil. fol. 622.* says, *Manbôte*, i. *compensatio Domino persolvenda pro homine suo occiso, Anglorum lege Regi & Archiepiscopo tres marcas de hominibus eorum propriis, sed Episcopo ejusdem comitatus & Consuli & Dapifero Regis, Viginti solidos, Baronibus autem aliis decem solidos, &c.* See *Lambard* in his *Explication of Saxon Words*, verbo *Æstimation*, and *Hoveden* in parte poster. *annal. suor. fol. 344. & Bote.*

*Manca*, (*Charta Regis Eadgari Eccles. Sancti Pauli, Anno 867. Indictione 15. Cum lato digno pretio, i. e. lx Mancas in auro purissimo,*) Was a square Piece of Gold, commonly valued at Thirty Pence;

Pence; and *Mancusa* was as much as a Mark of Silver. *Notes upon Canutus's Laws*, (i. e. *Mannusa*, Coined with the Hand). So in the *Laws of King Ina*, cap. 69. *Ex estimatione capitis viri, qui vicens dum vixerat aestimatur solidis, subtrahantur 30 solidi ad compensandam domino mortem*. But the *Manca* was not always of that Value, for sometimes it was valued at Six Shillings, *Leg. H. 1. cap. 69. Manca sex solidis aestimatur*: But the Shilling was then but Five Pence. And the *Mancusa* was a Sort of Money used by the English Saxons, equal in Value to our Half-Crown: For *Thorn*, in his *Chronicle*, tells us, That *Mancusa est pondus duorum solidorum & sex denariorum*. And with him agrees *Du Cange*, in *verbo vita plena*, where he says, that Twenty *Manca* make Fifty Shillings; for *Manca* and *Mancusa* are promiscuously used in the old Books for the same Money. But *Spelman* and *Somner* say, that a *Mancusa* was equal to our Mark.

*Manciple*, *Manceps*, A Caterer, An Officer anciently in the Temple, now called *The Steward*. Of whom our ancient Poet *Geoffrey Chaucer*, sometimes a Student there, thus writes,

A Manciple there was in the Temple,  
Of which all Goutours might taken ensemple.

This Officer still remains in Colleges in the Universities.

*Mancunum*, *Manchester* in  *Lancashire*.

*Mandamus* Is a Writ that lieth after the Year and Day, whereas in the mean Time the Writ called *Diem clausit extremum* hath not been sent out to the Escheator for the same Purpose for which it should have been sent forth. *F. N. B. fol. 253. See Diem clausit extremum*.

*Mandamus* Is also a Charge to the Sheriff, to take into the King's Hands all the Lands and Tenements of the King's Widow, that against her Oath formerly given, marrieth without the King's Consent. *Reg. fol. 295. See Widow*.

*Mandatarj*, *Mandatarj*, He to whom a Charge or Commandment is given. Also he that obtains a Benefice by *Mandamus*.

*Mandate*, *Mandatum*, Is a Commandment Judicial of the King, or his Justices, to have any Thing done for Dispatch of Justice, whereof you shall see Diversity in the Table of the *Register Judicial*, *verbo Mandatum*. The Bishop's *Mandates* to the Sheriff, 31 *Eliz. 9.*

*Mandati dies*, *Mandie* or *Maunday*-Thursday, the Day before Good-Friday, when they commemorate and practise the Command of our Saviour, in washing the Feet of the Poor, &c. As our Kings of England have long practised the good old Custom on that Day of Washing the Feet of poor Men, in Number equal to the Years of their Reign, and giving them Shoes, Stockings, and Money.

*De Mandato panes*, Loaves or Bread given to the Poor upon Mandey Thursday.—*Abbas autem Willielmus augmentavit tres panes de mandato de uno quarterio panis, ita quod sint equales panibus conventus*. *Chartular. Glaston. MS. f. 29.*

*Mandatum* Is sometimes taken for a Report or Rumour, as in *Mat. Paris. Anno 1242. Urgebant Regem Mandata ultramarinorum*. Sometimes 'tis taken for that Part of a Monastery where Guests were entertained, viz. *Fecit reparari & emendari domum Mandati ubi recipiuntur hospites & pauperes*. *Du Cange. See Mandate*.

*Manentes* Was anciently used for *Tenentes*, or Tenants. *Concil. Synodal. apud Clovertho. Anno 822. Qui in solo alieno manent*. And it was not lawful for them or their Children to depart without Leave of the Lord.

*Mangcozn*, *Mancozn*, *Mongcozn*, Mixt Corn, Maslin. *Idem compotat de uno quarterio & sex bussellis de Mancorn emptis vj Sol. viij Den.*—*Ex Compoto domus de Farendon. MS. f. 18.*

*Mangonare*, To buy in the Market. *Si venient ad mercatum qui Mangonant in caseo & butiro*. *Leg. Ethelred. apud Brompton, cap. 24.*

*Mangonellus*, A warlike Instrument, made to cast Stones against the Walls of a Castle. And it differs from a *Petrard* thus, viz.

*Interea grossos Petrarva mittit ad intus,  
Assidue lapides Mangonellusque minores.*

*Manipulus* Was an Handkerchief which the Priest always had in his Left-hand.

*Manning*, *Manopera*, A Day's Work of a Man; in some ancient Deeds there is a Reserve of so much Rent, and so many *Mannings*. *Howbeit*, *Maninga* (from the Saxon *Manunge*, i. e. *Admonitio*) signifies *conventum ad causas disceptandas indictum*. *Et nominentur in Maninga singulorum praepositorum tot homines*. *Leg. Adelstan. apud Brompton, cap. 3.*

*Mannire* Is where one is cited to appear in Court, and stand to the Judgment there. It differs from *Bannire*: For though both signify a Citation, yet one is a Citation by the Adversary, and the other by the Judge. *Leg. H. 1. cap. 10. Du Cange.*

*Mannopus*, *Manopera*, Goods taken in the Hands of an apprehended Thief.—*Faciunt iudicium in curia sua de latrone qui vocatur Infangenthief, cum contigerit talem latronem capi cum mannopere intra feodum ipsius, ita quod catalla talia latronis eidem P. & heredibus suis remaneant*.—*Chartular. Radinges, f. 156.*

*Mannus*, A Horse.—*Latus itaque & alacer vir morarum impatiens iussit mannum preparari, simul cum his qui ad se venerunt ad insulam properans*. *Histor. Ramef. Edit. Gale. cap. 53. Matth. Paris. uses the same Word for a Pad or Saddle-Horse, sub Anno 1107. From Saxon Man, a Horse. In the Laws of Alfred, we find Man-theof, for a Horse-stealer.*

*Manor*, *Manerium*, Seems to be derived of the French *Manour*, *habitatio*, or rather from *manendo*, of abiding there, because the Lord did usually reside there. *Est feodum nobile partim vassalis (quos Tenentes vocamus) ob certa servitia concessum; partim Domino in usum Familiae suae, cum jurisdictione in vassallos, ob concessa pradia reservatum. Quae vassallis conceduntur, terras dicimus tenementales, quae domino reservantur, dominicales. Totum vero feodum dominium appellatur, olim Baronia; unde Curia quae huic praest jurisdictioni hodie Curia Baronis nomen retinet*. *Skene de verb. signif. saith, It is called Manerium quasi manurium, because it is laboured by Handy-work: It is a noble Sort of Fee granted partly to Tenants for certain Services to be performed, and partly reserved to the Use of his Family, with Jurisdiction over his Tenants for their Farms. That which was granted out to Tenants, we call Tenementales; those reserved to the Lord, were Dominicales: The whole Fee was termed a Lordship, of old a Barony; from whence the Court, that is always an Appendant*

to the Manor, is called *The Court-Baron*. Touching the Original of the *Manors*, it seems that in the Beginning there was a Circuit of Ground granted by the King to some Baron, or Man of worth, for him and his Heirs to dwell upon, and to exercise some Jurisdiction more or less within that Compass, as he thought good to grant, performing such Services, and paying such yearly Rent for the same, as he by his Grant required, and that afterwards this great Man parcelled his Land to other meaner Men, enjoining them such Services and Rents as he thought good, and so as he became Tenant to the King, the Inferiors became Tenants to him. See *Perkins's Reservations*, 670. and *Horne's Mirror of Justices*, lib. 1. cap. de *Roy Alfred*, and *Fulbeck*, fol. 18. And according to this our Custom, all Lands holden in Fee throughout France are divided into *Fiefs* and *arrieri fiefs*, whercof the former are such as are immediately granted by the King; the second, such as the King's *Fendataries* do again grant to others. *Gregorii Syntagn. lib. 6. cap. 5. num. 3.* In these Days a *Manor* rather significth the Jurisdiction and Royalty incorporeal, than the Land or Site. For a Man may have a *Manor in gross*, (as the Law termeth it) that is, the Right and Interest of a Court-Baron, with the Perquisites thereunto belonging, and another or others have every Foot of the Land, *Kitchin*, fol. 4. Broke, *hoc titulu per totum*. *Bracton*, lib. 4. cap. 31. num. 3. divideth *munerium* into *Capitale & non capitale*. See Fee. A *Manor* may be compounded of divers Things, as of a House, arable Land, Pasture, Meadow, Wood, Rent, Advowson, Court-Baron, and such like; and this ought to be by long Continuance of Time, beyond the Memory of Man. For at this Day a *Manor* cannot be made, because a Court-Baron cannot now be made, and a *Manor* cannot be without a Court-Baron, and Suiters or Freeholders. Two at the least; for if all the Freeholds, except one, escheat to the Lord, or if he purchase all, except one, there his *Manor* is gone *causa qua supra*, although in common Speech it may be so called.

*Manpygarnon*. *Willielmus Walecote tenet manerium de Adington in Com. Sur. per servitium invenendi, ad Coronationem Regis, quoddam Potagium vocat. Manpygarnon.*

*Manse*, (*Manfus*, vel *Manfa*), An Habitation or Farm: Also an Hide of Land; and the Possessors of such were called *Manentes*. Spelm.

*Manfer*, i. e. A Bastard. The Difference of several Words which signify a Bastard, may be seen in these Verses:

*Manferibus Scortum, sed Mæchæ nothis dedit ortum,  
Ut seges a Spica, sic spurcius est ab amica,  
Sunt naturales qui nobis sunt speciales.*

*Manfion*, *Manfio* a *manendo*, According to the Definition of *Bracton*, lib. 5. cap. 28. num. 1. Is a Dwelling consisting of one or more Houses. It is most commonly taken for the Lord's chief Dwelling-house within his Fee, otherwise called *The Capital Messuage*, or chief Manor-place. *Bracton*, lib. 2. cap. 26. *Manfion*, amongst the ancient Romans, was a Place appointed for the Lodging of the Prince, or Soldiers in their Journey; and in this Sense we read *Primam manfionem*, &c. It is probable, That this Word *Manfion* doth in some Construction signify so much Land as Bede calleth *Familiam* in his *Ecclesiastical History*. For *Lambard*,

in his *Explication of Saxon Words*, verb. *Hida terra* saith, That that which he calleth *Familiam*, or others since call *Manentem vel mansam Manfus & mansum*, you may read in the *Feudists*, and in *Skene de verbor. significat. verbo Manfus*. See *Skene*, verbo *Manfus*. The Latin Word *Manfia*, in the Charter granted by King *Kenulphus* to *Ruchin*, Abbot of *Abingdon*, and mentioned by Sir *Edward Coke* in his Report de *Jure Regis Ecclesiastico*, seems to signify a certain Quantity of Land. *Hida vel Manfia*. *Mat. Westm.* in Anno 857. And in a Charter of *Edw. Conf.* it is written *Manfa*. Vide *Hist. of Pauls*, fol. 189. *Bracton*, lib. 5. traft. 5. par. 1. *Manfio esse poterit construtta ex pluribus domibus vel una, quæ erit habitatio una & sola sine vicino, etiam & si alia Manfio si vicinata non erit villa, quia villa est ex pluribus Manfionibus vicinata & collata ex pluribus vicinis*. *Fleta*, lib. 6. cap. 51. Sometimes *Manfio* signifies a Family; as, *Terram 50 Manfionum*, &c. *Concilium Cloveshoe*, Anno 800. But that which in ancient Latin Authors was called *Hida*, was afterwards called *Manfus*, i. e. as much Land as one Plough could till in a Year.

*Manlaughter*, *Homicidium*, Is the unlawful Killing of a Man, without a preposed Malice. As when Two, that formerly meant no Harm one to another, meet together, and upon some sudden Occasion falling out, the one killeth the other, *West. part 2. Symbol. Tit. Inditements, sect. 44.* It differeth from *Murder*, because it is not done with foregoing Malice: And from *Chance-Medley*, because it hath a present Intent to kill. And this is Felony, but admitted to the Benefit of Clergy for the first Time. *Stawnds. pl. cer. lib. 1. cap. 9.* and *Britton*, cap. 9. Yet it is confounded with *Murder* in the Statute, Anno 28 E. 3. cap. 11.

*Manfium capitale*, The chief *Manfa*, or Manor-house, or Court of the Lord. *Henry de Oity* gave to the Abbey of *Oseney*—*Capitale manfium meum in Weston*—*Paroch. Antiquit. p. 150.* Called sometimes *Curia capitalis*—As *Thomas de S. Waleri* gave to the Abbey of *Oseney*—*totum manerium meum de Mixebury cum capitali Curia*, *ibid. p. 151.* The Word *Manerium* was sometimes used in the same Sense, to denote the Court or Mansion of the Lord.

*Manfura* and *Manfura* Are used in *Domesday*, and other ancient Records, for *Manfiones vel habitacula villicorum*. But in *Charta de An. 1 Ed. 3. n. 3.* we read, *De tribus Manfuris terræ in Wigornia*. Quære.

*Manfura*, The same with *Manfio*.

*Manfus*, Anciently a Farm. *Selden's Hist. of Tithes*, pag. 62. The same with *Hida*.

*Hac Indentura testatur, quod Reginaldus Grey Dominus de Hastings, Weisford & de Rutbin tradidit Johanni Saunders Manfium Manerii de Bedeworth, &c. Dat. 18 Hen. 6.* Here *Manfium Manerii* is used for the Manor-House, or Manor-Place. *Manfium capitale dicitur de ædibus Domini Manerii, quas Aulam vulgo nuncupant.* *Manfium* or *Manfus* is sometimes confounded with *Mesquagium*. *Spelman*. There were in short Time conferred on the Monastery of *Everfham* 120 *Manfes*, says *Cressy* in his *Church History*, fol. 530. a. Which *Manfes* are in some Records latined *Manentes*. Sometimes a Hide of Land, and a *Manse* are confounded. *Illud Manfium five Mesquagium.* *Mon. Angl. 2 Par. fol. 658. a.*

**Manus Presbyteri**, The Manse or House of Residence for the Parish-Priest; the Parsonage or Vicarage-House. — *Habet etiam dictus Vicarius (i. e. de Ambresdon) pro inhabitatione sua illum mansum in quo Presbyter Parochie dictae Ecclesie inhabitare consuevit, & duo cotagia eidem adjacentia.* Paroch. Antiq. p. 431.

**Mantea**, Mantum, Mantellum, A Manteau, a Mantel — *Rex indutus mantea, &c.* Mat. Parif. sub Anno 1188.

**Mantyle**, Mantile, May be drawn from the French Word Manteau, and signifies with us a long Robe. Anno 24 H. 8. cap. 13.

**Manualia Beneficia**, The daily Distributions, or Portions of Meat and Drink allotted to the Canons and other Members of Cathedral Churches for their present Subsistence. — *Consuetudinem qua in quibusdam partibus inolevit, qua Canonici & alii Beneficiati seu Clerici Cathedralium & aliarum collegiarum Ecclesiarum distributiones cotidianas, quae alias manualia beneficia seu viſtuala nuncupantur, &c.* Tho. Lyseaux Decani, Paulini Liber Statutorum Ecclesiae Sancti Pauli, London. MS.

**Manualis Obedientia**, Sworn Obedience, or Submission upon Oath — *Henricus de Teisdale, Prior de Fincalle & Rector Ecclesie de Gileſwick fecit pro illa Domino Johanni Archiepiscopo Ebor. manualem obedientiam die Synodi celebrata apud Ebor. 11. Kal. Maii 1295.* — *Collectan.* Matthaei Hutton, S. T. P. ex Registris Ebor.

**Manubrium**, The Handle or Haft of a Sword or Dagger, *Jur. praesentant quod A. de C. Aurifaber 2 Junii, 2 Jac. apud S. praedict. quoddam Manubrium Pugionis ferreum, Anglice, a Dagger-hilt of Iron, &c.* apud Maidston.

**Manucriptio** Is a Writ that lies for a Man, who, taken upon Suspicion of Felony, and offering sufficient Bail for his Appearance, cannot be admitted thereto by the Sheriff, or other having Power to let to Mainprise. F. N. B. fol. 249. See Mainprise. How diversly it is used, see the Reg. Origin. in the Table, and Pryn's Animadversiones, fol. 268.

**Manuel**, Manuelis, Any Thing whereof present Profit may be made, or that is employed or used by the Hand. *Staundf. Prærog.* fol. 54. As a Thing in the manuel Occupation of one, i. e. actually used or employed by him.

**Manumission**, *Manumissio*, Is the freeing of a Villein or Slave out of his Bondage: The Form of it, in the Conqueror's Time, *Lambard* in his *Archaologia*, fol. 126. setteth down in these Words, *Si quis velit servum suum liberum facere, tradat eum Vicecomiti, per manum dextram in pleno Comitatu, & quietum illum clamare debet a jure servitutis sua per manumissionem; & ostendat ei liberas portas & vias, & tradat ei libera arma scilicet Lanceam & gladium, & deinde liber homo efficitur.* Some also were wont to be manumitted by Charter. *Vide Broke, Tit. Villenage*, fol. 305. The Terms of the Law make two Kinds of Manumission, one expressed, the other implied: Manumission expressed is, when the Lord makes a Deed to his Villein, to infranchise him by this Word *Manumittere*, the Manner of which in old Time was thus: The Lord, in the Presence of other Persons, took the Bond-man by the Head, saying, *I will that this Man be free, and thereupon shewed him forward out of his Hand.* Manumission implied is, when the Lord makes an Obligation for Payment of Money to him at a certain Day, or sueth him, when he might enter

without Suit; or granteth him an Annuity, or leaseh Land to him by Deed, for Years, or for Life, and such like. See Nief.

I shall here insert an ancient Charter of Manumission by *John Peckham*, Archbishop of Canterbury — *Noverint Universi praesens Scriptum visuri vel audituri quod nos Frater Johannes permissione divina Cant. Archiepiscopus totius Angliae Primas praesentis scriptura tenore manumittimus & ab omni jugo servitutis absolvimus perpetuaeque libertatis titulo decoramus Robertum de Hempfede in Freintfeld quondam Nativum cum tota sequela sua procreata & procreanda. Ita quod idem R. & tota sequela sua praedicta cum omnibus bonis & catallis ejus liberi in perpetuum remaneant, & liberum statum plenamque liberam administrationem eorundem bonorum & catallorum suorum sine calumpnia nostra vel successorum nostrorum optineant in futurum. In cujus rei testimonium & perpetuum falcimentum praesenti Scripto Sigillum nostrum duximus apponendum. Huius Testibus Domino Tho. de Marines, Rogero de Leukenore, Rogero la Ware, Will. Mauke militibus, &c. Dat. apud Tenham 11 Kal. Apr. MCC. Octagesimo octavo. Reg. Eccl. Christi Cant. penes J. Episcopum Norwic.*

**EDWARDUS** Dei Gratia, Rex Angliae & Franciae, & Dominus Hiberniae, omnibus ad quos praesentes Literae nostrae pervenerint, Salutem. Sciat is quod nos ex gratia nostra speciali & ex mero motu nostro Manumissimus & ab omni jugo servitutis liberamus Johannem Dedwiche de Orleton in Com. Heref. Husbandman, & Will. Dedwiche de eadem Husbandman Nativos nostros de Manerio sive Dominio nostro de Orleton praedict. Cum omnibus bonis & catallis suis & tota eorum sequela & progenie de eorum corporibus procreatis sive procreandis. Ita quod nec nos nec Haeredes nec Successores nec Assignati nostri aliquod Juris vel clamei ratione alicujus Villenagii in iisdem Johanne & Willielmo, seu de eorum progenie procreatis sive procreandis, seu de bonis & catallis suis, exigere vel vendicare poterimus in futuro, &c. In cujus rei testimonium has literas nostras sub sigillo nostro Comitatus nostri Marchiae fieri fecimus Patentis. Dat. vicesimo die Mensis Aprilis Anno Regni nostri octavo. Ex ipso autographo penes Johan. Colman Gen.

**Manu opera**, Stolen Goods taken upon a Thief apprehended in the Fact. See Mannopus.

**Manuopera**, Cattle, or any Implements used in Husbandry. *Ac etiam deodanda, thesaurum inventum, & omnia bona & catalla vocata Manuopera inventa, &c.* *Monast.* 1 Tom. pag. 977. So in *Fleta*, lib. 2. cap. 52. par. 42. *Probatores cum Manuopere capti, i. e. Fures catallorum.* Et omnimoda Catalla vocata Manuopera, cum quacunque persona in eisdem capta. Par. 13 Hen. 4. Par. 1. m. 14. See Mainer.

**Manupastus**. Sape obvenit in forensi dialecto, pro famulo & serviente Domestica. *Spelman.* *Erat culpabilis tanquam de Manupasto, (Manwood, cap. 16. n. 6.) i. e.* He shall be culpable, as of a Thing done by his own Hand, or by one of his Family. *Gloss. in x. Scriptor.* So that Manupastus signifies a Domestick: Si Manupastus alicujus accusetur de furto. *Leg. H. 1. cap. 66.*

**Manupes**, A Foot of full and legal Measure. — *Dedimus quietantiam de ecciv acris mensuratis Anno Domini Regis Henrici Patris mei xxxij. praeepto ipsius, per perticam xxv pedum per manupedem in Com. Ebor.* — *Chart. Ric. 1.*



**Manus** Was anciently used for an Oath, and for him that took it, a Compurgator; as we often find in old Records, *Tertia, Quarta, Decima manu jurare*; that is, the Party was to bring so many to swear with him, that they believed what he vouched was true; if he swore alone, it was *propria manu & unica*. So in the Visitation of the Diocese of London by Rob. Winchelsea, Archbishop of Canterbury, a Woman of Coggeshale in Essex accused of Adultery—— *Mulieri hoc neganti purgatio sexta manu extitit indiffa, i. e.* She was to vindicate her Reputation upon the Testimony of six Compurgators. *Reg. Eccl. Christi Cant.*

**Manus mediæ & infimæ homines**, Men of a mean Condition, of the lowest Degree.—— *Et plures mediæ manus quos ex justis & rationabilibus causis Rex Pater exheredaverat.* Radulphus de Diceto sub Anno 1112.—— *Inferioris & infimæ manus homo.* *Idem sub annis 1138, 1185.*

**Manutententia** Is a Writ used in Case of Maintenance. *Reg. Orig. fol. 182 & 189.* See *Maintenance*.

**Manwoorth**, The Price or Value of a Man's Life or Head; for of old every Man was rated at a certain Price, according to his Quality, which Price was paid to the Lord in Satisfaction for killing him.

**Mara**, A Meer, Moor, Lake, Pool, Pond, or Place of Bog, Marsh, &c.—— *Cadens super lacum, quem usu quotidiano loquendi Maram vocamus.*

—— *Will. Gemet. l. 2. c. 20.*—— *Castrum & manerium de Bolyngbroke cum soken, mara & marisco.*—— *Paroch. Antiq. pag. 418.* Called sometimes *Mera*, from Brit. *Mer*, Sax. *Mer*, Water. Whence a *Mere-Swine*, a Dolphin; a *Mear* or *Meer*, a Moor or low Marsh; *Mire* or *Dirt*, *Meers* or *Ditches*; *Mere-flangs*, and *Mere-stones*, set for Land-marks, or Boundaries in open Fields. See *Mera*.

**Marebots** Were a Sort of Spanish Gold Coin, formerly current here.

**Marta** Is now Thirteen Shillings and four Pence; but in the Reign of Henry I. it was only Six Shillings and a Penny in Weight; for the Shillings as well as the Pence were then weighed, or went by Weight; and some were coined, and some only cut in small Pieces. Now those that were coined were worth something more than the other. *De Tibindi hominis occisi vera debent reddi, &c. 30 Sol. & 5 Denar. ad Manbotam, idem hodie 5 Marcæ de Thesindo, i. e. Thaino 120 Sol. qui faciunt 20 Marcas.* *Lcg. H. 1.* See *Mark*.

**Marratu**, The Rent of a Mark by the Year. *Et unum Marcatum redditus de Newenton.* *Mon. 1 Tom. pag. 341.*

**Marchers**, or **Lords Marchers**, Were the Noblemen that lived on the *Marches* of Wales, or Scotland, who in Times past (according to Camden) had their private Laws, & *potestatem vite & necis*, like Petty Kings, which are now abolished by the Statute 27 H. 8. cap. 26. Of these *Marchers*, you may read Anno 2 H. 4. c. 18. 26 H. 8. c. 6. and 1 Ed. 6. cap. 10. where they are called *Lords Marchers*. And in old Records the *Lords Marchers* of Wales were called *Marchiones de Marchia Wallia*. See *Marquis*. See also 1 & 2 Ph. & Mar. cap. 15.

**Marches** (*Marchia*, from the Saxon *Meare*, *Signum Limitaneum*) Are the Bounds and Limits between us and Wales, or between us and Scotland, Anno 24 H. 8. cap. 9. Which last are divided into *West* and *Middle Marches*. Anno 4 H. 5.

cap. 7. and 22 Ed. 4. cap. 8. The Word is used in the Statute 24 H. 8. c. 12. generally for the Precincts of the King's Dominions. So in *Charta Divisionis imperii Caroli Magni*, cap. 1. you will find that *Nullus eorum fratris sui terminos vel regni limites invadere presumat neque fraudulenter ingredi ad conturbandum regnum ejus vel Marcas minuendas.* *Du Fresne Gloss.*

**Marchet**, (*Marchetum*.) *Consuetudo pecuniaria in Mancipiorum filiabus maritandis.* *Braët. lib. 2. Tit. 1. cap. 8. num. 2.* *Merchetum vero pro filia dare non competit libero homini.* *Extenta Mancerii de Wivenho, 18 Dec. 40 Edw. 3. & alia 13 Edw. 3. Anno Dom. 1230.* *Rich. Burr tenet unum Mesuagium. E. debet Tallagium, Sctam Curia & Merchet hoc modo, quod si maritare voluerit filiam suam cum quodam libero homine extra villam, faciet pacem Domini pro maritagio, & si eam maritaverit alicui Custumario Ville, nil dabit pro maritagio.* *Merchetum, hoc est, quod Sochemanni & nativi debent solvere pro filiabus suis corruptis sive desloratis 5 s. 4 d.* *Reg. Abbathie de Burgo, in Bibl. Cotton.* This Custom, with some Difference, is in divers Parts of England and Wales, as also in Scotland, and in the Isle of Guernsey. See *Spelman* at large on it. By the Custom of the Manor of *Dinevor*, in the County of *Caermarthen*, every Tenant at the Marriage of his Daughter pays Ten Shillings to the Lord, which in the British Language is called *Gwabr-Merched*, i. e. a Maid's Fee. See *Maiden Rents*, and *Gwabr-Merched*. See *Marriage*.

The Custom for the Lord to lie the first Night with the Bride of his Tenant was very common in Scotland, and in the North Parts of England: But it was abrogated by *Malcolme* the Third, at the Instance of the Queen; and instead thereof a Mark was paid to the Lord by the Bridegroom. From whence 'tis called *Marcheta Mulieris*.

**Marchiare**, To adjoin or border upon—— *Sex acra terre cum prato adjacente secundum quod marchiat ad pratum Prioris de Brecon.*—— *Cartular. S. Johannis Brecon. MS. f. 74.*

**Marculus**, A Hammer, a Mallet.—— *Dentesque caninos tanquam marculo ferro sive malleo confringamus.* *Girald. Cambren. Apud Whartoni Angl. Sac. Pars 2. p. 437.*

**Maeremium**. See *Maeremium*.

**Marshall**, *Marescallus*, Is a French Word, signifying as much as *Tribunus militum* with the ancient Romans, or *παλιμαρχ* with the Greek, or *ππαρχ*. *Trinquel. de nobilitate, cap. 8. pag. 42. num. 17.* The French Word may seem also to proceed from the German *Marschalk*, i. *Equitum magister*, which *Hotoman* in verbis feudalibus verbo *Marchalkus*, derived from the old Word *Mar-b*, signifying a Horse. Others make it of the two Saxon Words, *Mur*, i. *equus*, and *Scalh*, i. *præfectus*; or according to *Verstegan*, from *Mare*, the general Appellation of all Horses, (as Horse is now in English) and *Scale*, which in the ancient Teutonic, he affirms, to signify a Kind of Servant, as *Scalco* doth at this Day among the Italians. With us there be divers Officers of this Name, but one most Noble of all the Rest, who is called *Lord* or *Earl Marshal* of England, of whom Mention is made in divers Statutes, 1 H. 4. 7 & 14. and 13 R. 2. cap. 2. His Office consists especially in Matters of War and Arms, as well with us as in other Countries, whereof you may read *Lupanus de magistratibus Francie*, lib. 1. cap. *Marescallus*, and *Tilius*, lib. 2. cap. de

*Conestabili Mariscallo, &c.* The next to this is the *Marshal* of the King's House, whose special Authority is (according to *Britton*, and *Gwin* in the *Preface to his Readings*) in the King's Place to hear and determine all Pleas of the Crown, and to punish Faults committed within the Verge, and to hear and judge of Suits between those of the King's Household, &c. *Crompt. Jur. f.* 192. of him you may read *F. N. B. f.* 241. & 18 E. 3 *stat.* 2. c. 7. and 27 E. 3. *Stat.* 2. c. 6. and 2 H. 4. 13. and diverse others. Whoever desires to know farther of this Officer, and his Duty, may find it in *Fleta, lib.* 2. c. 4. & 5. There be other inferior Officers of this Name, as *Marshal* of the Justices in Eyre, 3 E. 1. 19. *Marshal* of the King's Bench, 5 E. 3. c. 8. and this hath the Custody of the King's Bench Prison in *Southwark. F. N. B. fol.* 251. And these inferior *Marshals* be either *ad placitum*, or in Fee. *Kitchin, fol.* 143. *Fleta* also, *lib.* 2. *cap.* 15. mentions a *Marshal* of the King's Hall, whose Office is, when the Tables be prepared, to call out both those of the Household and Strangers, according to their Worth, and decently to place them, &c. There is also a *Marshal* of the Exchequer. 51 H. 3. *stat.* 15. to whom the Court committeth the Custody of the King's Debtors during the Term-time, for securing the Debts. He also assigneth Sheriffs, Escheators, Customers, and Collectors, their Auditors, before whom they shall account. He hath all Inquisitions taken before Escheators *virtute officii*, delivered unto him, to be re-delivered by him to the Treasurer's Remembrancer in the Exchequer.

*Maritum*, (From the Fr. *Maret*, a Fen or Marsh) Marsh-Ground, which the Sea or great Rivers overflow. *Co. 1 Inst. fol.* 5. a.

*Margidunum*, Dover-Castle.

*Marriage*, or *Marriage*, *Maritagium*, Signifies not only the lawful Conjunction of Man and Wife, but also the Interest of bestowing a Ward or a Widow in Marriage. *Magna Charta, cap.* 6. and *Bracton, lib.* 2. *cap.* 3. And also it signifies Lands given in Marriage. *Bracton, lib.* 2. *cap.* 34, 39. And in this Signification the same Author saith, That *Maritagium est aut liberum, aut servitio obligatum*, *lib.* 2. *cap.* 7. *num.* 3, 4. *Liberum maritagium dicitur, ubi Donator vult quod terra sic data quiescat sit & libera ab omni seculari servitio, quod ad Dominum feudi possit pertinere, & ita quod ille, cui sic data fuerit, nullum omnino inde faciat servitium usque ad tertium Haredem & usque ad quantum gradum, &c.* See *Skene de verb. signif. verb.* *Maritagium*, which (according to *Glanvil, lib.* 7. *cap.* 1.) is that Portion which the Husband receives with his Wife. See *Dower. Recipit Mariagium suum. So Ecclesiam sancti Nicholai cum adjacenti fundo in Mariagio concessit. See Oswald's Law, viz. Marriage prohibited to Priests. Placita sub H. 3. Will. Maynard qui tenuit terras in Hurst cognoscit se esse Villanum Abbatis de Abingdon, & tenere de eo in Villanagio & per Villanas consuetudines, viz. per servitium 18 d. per Annum, & dandi Maritagium & marchetum pro filia & sorore sua ad voluntatem Abbatis, & faciendo omnes villanas consuetudines.*

*Mariounum*, Caermarthen.

*Marinarius*, A Mariner, a Scaman. *Marinarius* *Capitaneus*, the Admiral or Warden of the Ports, which Offices were commonly united in the same Person; the Word *Admiral* not coming into Use before the later End of King Edward the First, before which Time the King's Letters run thus—— *Rex Capitaneo Marinariorum &*

*eisdem Marinariis Salutem. Paroch. Antiq. pag.* 322.

*Mariola*, A Shrine or Image of the Virgin Mary.—— *Hic quoque fere perfecit pulcrum Mariolam cum pertinentiis.*—*Mat. Paris in vitis Abbatum S. Albani.*—— *in australi Ecclesia parte, juxta nobilem Mariolam. Ibid.*

*Mariscus* Is a Word used in *Domesday-Book*, and signifies *Palus*, or *locus paludosus*, a marshy or fenny Ground.

*Maritagio amisso per defaultam* Is a Writ for the Tenant in *Frank-Marriage*, to recover Lands, &c. whereof he is deforced by another. *Reg. fol.* 171.

*Maritagio forisfacto* Is a Writ. See *Forisfactura maritagii*.

*Maritagium, i. e.* That Portion which is given with a Daughter in Marriage. So *Glanvil*; *In alio modo accipitur dos secundum leges Romanas, secundum quas proprie appellatur dos, id quod cum muliere datur vivo, quod vulgariter dicitur Maritagium. Lib.* 2. c. 18.

*Maritagium*, or *Marriage*, Strictly taken, is that Right which the Lord of the Fee had to marry the Daughters of his Vassals after their Death: Others tell us, it was that Profit which might accrue to the Lord by the Marriage of one under Age, who held his Lands of him by Knight's Service. This seems plain by the Statute of *Merton, cap.* 7. *Maritagium ejus qui infra etatem est de vero jure pertinet ad Dominum feodi.*

*Maritagium habere*, To have the free Disposal of an Heiress in Marriage, a Favour granted by the Kings of England, while they had the Custody of all Wards or Heirs in Minority.

*Mandatum est Vice-Com. Oxon. quod habere faciat W. Com. Sarum, maritagium Filii Richardi de Camvil genita de Eustackia*—— *ad opus Willielmi sui primogeniti. Paroch. Antiquit. pag.* 182.

*Maritima Angliæ*, The Emolument arising to the King from the Sea, which Sheriffs anciently collected; but was afterwards granted to the Admiral. *Pat. 8 Hen. 3. m. 4. Richardus de Lucy dicitur habere Maritimam Angliæ.*

*Mark*, (*Merca*, from the Sax. *Mearc*, i. e. *Signum*.) In ancient Time, I find a Mark of Gold was eight Ounces. *Stow's Annals, pag.* 32. and was valued at 6 l. in Silver. *Rot. Mag. Pipa de Anno 1 Hen. 2. or, as others write, 6 l. 13 s. 4 d. Char. Reg. Joh. de dote B. Regina (quondam ux. R. Richardi.) Paten. 3 Joh. m. 17. n. 31. Assignavimus ei pro dote sua mille marcas argenti annuatim, 13 s. 4 d. computatis pro Marca. See Marca.* 'Tis incertain when it first came fixed to this particular Value. *Matthew Paris* tells us, that it was so early as the Year 1194, in the Life of *Guarinus*, Abbot of *St. Alban. Skene de verb. signif. verb.* *Mark*, saith, That in *Tractatu de ponderibus & mensuris*, a *Mark* signifieth an Ounce-Weight, or half a Pound, whereof the Dram is the eighth Part, as the Ounce is the eighth Part of a *Mark*, citing *Cassaneus de consuetud. Burg. Rub. prim. sect. 7. verb. Solz Turnoys. A Mark of Silver every Man knows is now Thirteen Shillings and Four Pence.*

*Market, Mercatus*, May be derived from the French *Marche*, i. e. *Emporium*; it signifies with us the same Thing, and also the Liberty or Privilege whereby a Town is enabled to keep a *Market*,

ket. *Old. Nat. Brev. fol. 149.* So doth *Braſſon* uſe it, *lib. 2. cap. 24. num. 6.* & *lib. 4. cap. 46.* where he ſhews, That one *Market* ought to be diſtant from another *Sex Lucas & dimidiam & tertiam partem dimidia.* The Reason whereof both he and *Fleta* give in theſe Words, *Quia omnes rationabiles dieta conſtant ex 20 milliaribus. Dividatur ergo Dieta in tres partes, prima autem matutina detur euntibus verſus mercatum, ſecunda detur ad emendum & vendendum; quæ quidem ſufficere debet omnibus niſi ſint forte mercatores ſtatarii, qui merces depoſuerint & expoſuerint venales, quibus neceſſaria erit prolixior mora in mercatu, & tertia pars relinquitur redeuntibus de mercatu ad propria, &c.* *lib. 4. cap. 28. ſect. Item reſert.* By the Statute 27 H. 6. 5. all Fairs and Markets are forbidden to be kept upon any Sunday, or upon the Feaſts of the Aſcenſion of our Lord, Corpus Chriſti, or the Aſſumption of our bleſſed Lady; All-Saints, or Good-Friday, except for neceſſary Viſuals, and in the Time of Harveſt. It was cuſtomary in former Times, that moſt Fairs and Markets were kept on Sundays; and in many Places they are ſtill kept in the Church-yard. This Cuſtom ſo far obtained, that though it was prohibited by ſeveral Kings, yet we ſee by the Statute before mentioned it continued till the Reign of Henry 6. This Cuſtom is mentioned in *Mat. Pariſ. Anno 1200.* *Nundinas vero & Mercata Dominico die interdixit quod omnia quæ diebus Dominicis per Angliam fieri conſueverunt, &c.*

*Marketzeld, (reſtius Marketgeld.) Et valent per an. le Streteward & le Marketzeld, xviii s. & ob. in omni terra pertinente ad Honorem de Haulton. Ex Cod. MS. in Bibl. Cotton.* It ſignifies Toll of the Market, the Word Zeld importing a Payment. I find it elſewhere written *Marketbgald. Plac. apud Ceſtriam, 31 Edw. 3.*

*Mark-penny, Every Inhabitant at Maldon, who had Pipes or Gutters laid out of their Houſes into the Street, paid one Penny. Hill. 15 E. 1. Mr. Philips of Purveyance.*

*Marla durabilior eſt ſumo. Eo quod ſumus deſcendendo, Marla aſcendendo conſumitur. Fleta, lib. 2. cap. 76.*

*Marlborough. See Cunctio.*

*Marle, Marla, Is a Kind of Earth or Mineral, which Men in diſverſe Counties of this Kingdom caſt upon their Land to make it more fertile: It is alſo called Malin. 17 E. 4. cap. 4.*

*Marlerium or Marletum, A Marle-pit; Mr. Dugdale hath an old Deed by him, wherein is mentioned this Word, Sciatis, &c. quod ego Reg. la Zouch, dedi, &c. & quod habeant omnem libertatem, &c. in boſcis, in planis, &c. in marleriis & omnibus aliis locis ad predict. Manerium de Tonge ſpectant. Et quod capiant marlam pro voluntate ſua ad terram ſuam marland, &c. Reſidendo, &c. And elſewhere we may read Twenty Acres terra Marlata, that is, marled Land.*

*Marmoniſ Pannus, i. e. Cloth of many Colours. Tunica de quodam panno marmoreo ſpiſſo cum rotis & grifonibus, &c. Du Cange.*

*Marque, From the Saxon Mearc, Signum: We uſe the Word in the ſame Senſe to this Day, when we ſay, Give ſuch a Thing a Mark or Sign; but in our ancient Statutes it ſignifies as much as Reprisals, as Anno 4 H. 5. cap. 7. where Marque and Reprisal are uſed as Synonyma; and Letters of Marque are found in the ſame Signification in the ſame Chapter. See Reprisals, and ſee alſo Mar. hes.*

*Marquis or Marqueſs, Marchio, Is now a Title of Honour next before an Earl, and next after a Duke; by the Opinion of Hotoman, verb. Marchio in verbis feudalibus, the Name is derived from the German March, i. Limes, ſignifying originally as much as Cuſtos limitis, or Comes & præſectus limitis. It was an ancient Cuſtom among the Britains, and after them, of the Saxons, to give the Title of Reguli to all Lords that had the Charge and Cuſtody of Marches and Limits. See Seldon's Mare Claus. lib. 2. cap. 19. From hence it was, that in the Time of Richard the Second, came up firſt the Title of Marqueſſes, which is a Governour of the Marches; for before that Time, thoſe that governed the Marches, were called commonly Lords Marchers, and not Marqueſſes, as Judge Doderidge hath obſerved in his Law of Nobility and Peerage, under the Title of Marqueſſes, pag. 31. Marchiones Wallie, viz. Rogerus de Mortuo-mari, Jacobus de Audeley, Rogerus de Clifford, Rogerus de Leyburn, Hamo Extraneus & ille de Turbervilla, cum pluribus aliis, qui de bello predicto de Lewes nuper ſugerunt, &c. Matt. Weſtm. in Anno 1264. pag. 225.*

*Marſa, A Garden-Tool, A How or a Pick. Videres lathomum inuſitatum maras, picas; ſculcas bajulantem, terram ſodientem, lapides ſcindentem, &c. Vita Roberti Berun Episcopi Hereford. apud Whartoni Angl. Sacr. Pars 2. p. 302.*

*Marſow Was a Lawyer of great Account in Henry the Seventh's Days, whole learned Readings are extant, but not in Print. Lamb. Eirenarch. lib. 1. cap. 10.*

*Marſhall. See Mareſhal.*

*Marſhalſea, Mareſcaltia, Is the Court or Seat of the Marſhal, of whom ſee Crompt. Jur. fol. 120. It is alſo uſed for the Priſon in Southwark; the Reason whereof may be, becauſe the Marſhal of the King's Houſe was wont perhaps to ſit there in Judgment, or keep his Priſon. See the Stat. 9 R. 2. cap. 5. and 2 H. 4. cap. 23. King Charles the Firſt erected a Court by Letters Patent under the Great Seal, by the Name of Curia Hoſpitii Domini Regis, &c. which takes Cogniſance more at large of all Cauſes than the Marſhalſea could; of which the Knight Marſhal or his Deputy are Judges.*

*Marſum, A Word uſed in Doſneſday-Book, and interpreted by Mr. Agar of the Receipt of the Exchequer, to ſignify a Quantity of Coin, ſed Quere.*

*Marternes. See Furr.*

*Martial Law Is the Law of War, depending upon the Pleaſure of the King, or his Lieutenant: For though the King in Time of Peace never makes any Laws, but by common Conſent in Parliament; yet in War he uſeth abſolute Power, inſomuch that his Word is a Law. Smith de Repub. Anglor. lib. 2. cap. 4. See Law of Arms.*

*Marſilagium, For Martyrologium. Monast. Tom. 2. pag. 322.*

*Martprology, Martrologium, Martilogium, A Calendar or Register kept in our Religious Houſes, wherein they ſet down the Donation of their Benefactors, and the Days of their Death, that upon each Anniverſary they might commemorate and pray for them. And therefore ſeveral Benefactors made it a Condition of their Beneficence, to be inſerted in the Martyrology. So Iſabel Gargate required from the Prior and Canons of Burceſter, for the Favours done to them*

them by her self and Mother. — *Cum de hac vita migraverimus, facient nomina nostra scribi in Martyrologio suo.* Paroch. Antiq. p. 189. See Mr. Kenne's Glossary.

**Maslagium**, Anciently used for a Messuage. *Et unum Maslagium in villa de Maudone, &c.* Pat. 16 Rich. 2. par. 1. m. 30.

**Master, A Priest.**

**Master** Is an English Saxon Word, and signifies a Merchant.

**Masse-Priest.** Anciently in England every Secular Priest, in Distinction from the Regulars, was called a *Masse-Priest*, who was to Officiate in the *Masse*, or ordinary Service of the Church. Hence *Messe-Priest* in many of our Saxon Canons for the Parochial Minister; who was likewise sometimes called *Messe-Theyne*, because the Dignity of a Priest in many Cases was thought equal to that of a *Thein* or Lay-Lord. But when the Times of greater Superstition came on, the Word *Masse-Priest* was restrained to those Stipendiary Creatures, who were retained in Chantries, or at particular Altars to say so many Masses for the Souls of the Deceased.

**Mallurus**, For *Masticus*; that is, a great Eater: *Non illicito Masticus delectabatur edulio.* Leges H. 1. cap. 3.

**Mall**, *Glans.* *Glandis nomine continentur glans, castanea, fagina, ficus & alia quaeque qua edi & pasci poterunt præter herbam.* Brañon, lib. 4. p. 226. See *Pessona*.

**Master of the Armozy** (*Magister Armorum & Armaturæ Regis*) Is he that hath the Care and Oversight of his Majesty's Arms and Armory, and mentioned 39 El. ca. 7. His Fee is 200 Marks per Annum.

**Master of the Court of Mards and Liberries** Was the Chief Officer of that Court, named and assigned by the King; to whose Custody, the Seal of the Court was committed, &c. Anno 33 Hen. 8. cap. 33. But this Court, with the Officers and Appurtenances thereof, is abolished by 12 Car. 2. cap. 24.

**Master of the Faculties** (*Magister Facultatum*) Is an Officer under the Archbishop of Canterbury, who grants Licences, and Dispensations; and is mentioned 22 & 23 Car. 2. Statute for laying Impositions on Proceedings at Law.

**Master of the Horse** Is he that hath the Rule and Charge of the King's Stable, being an Office of high Account, and always bestowed upon some Nobleman of great Merit, and is mentioned Anno 39 Eliz. cap. 7. and 1 Edw. 6. cap. 5. This Officer, under the Emperors of Rome, was called *Comes sacri Stabuli*.

**Master of the Jewel House** Is an Officer in the King's Household, of great Credit, having Charge of all Plate used for the King or Queen's Table, or any great Officer in Court; and of all Plate remaining in the Tower of London, of Chains and loose Jewels not fixed to any Garment. Anno 39 Eliz. cap. 7.

**Master of the King's Houshold**, (*Magister Hospitalis Regis*) Is otherwise called *Grand Master of the King's Houshold*, and is called *Lord Steward of the King's most Honourable Houshold*. Anno 32 Hen. 8. cap. 39. But *Primo Maria*, and ever since, he is called *Lord Steward of the King's Houshold*; under whom there is a Principal Officer of the Houshold, called the *Master of the Houshold*, of great Authority, as well as Antiquity.

**Master of the King's Buffers** Is a Martial Officer in all Royal Armies, most necessary as well for maintaining the Forces compleat, well armed, and trained, as also for preventing of such Frauds as otherwise may exceedingly waste the Prince's Treasure, and extremely weaken the Forces, &c. mentioned 2 Edw. 6. cap. 2. And *Master-Master-General*, Anno 35 Eliz. cap. 4.

**Master of the Mint**, (Anno 2 Hen. 6. cap. 14.) Is now called the *Warden of the Mint*, whose Office is to receive the Silver of the Goldsmiths, and to pay them for it, and to oversee all the rest belonging to his Function.

**Master of the Ordnance** (Anno 39 Eliz. cap. 7.) Is a great Officer, to whose Care all the King's Ordnance and Artillery is committed.

**Master of the Posts** Was an Officer of the King's Court, that had the Appointing, Placing, and Displacing of all such through England as provide *Post-Horses*, for the speedy passing of the King's Messages, and other Business, in the throw-fair Towns where they dwell; as also to see that they keep a certain Number of convenient Horses of their own, and when Occasion is, that they provide others wherewith to furnish such as have Warrant from him to take *Post-Horses*, either from or to the Seas, or other Borders or Place within this Realm: He likewise hath the Care to pay them their Wages, and make them Allowance accordingly as he shall think meet: This Officer is mentioned Anno 2 E. 6. 3. But by a Statute made 12 Car. 2. c. 34. One *General Letter-Office* or *Post-Office* is settled in London, the Master of which is appointed by the King by *Letters Patent*, with Rates and Rules prescribed in the Act for Carriage of Letters. But the said Rates and Rules have been since altered by Stat. 9 Ann. cap. 10.

**Master of the Rolls** (*Magister Rotulorum*) Is an Assistant to the Lord Chancellor of England in the High Court of Chancery, and in his Absence hear-eth Causes there, and gives Orders. *Crompt. Jur. fol. 41.* His Title in his Patent is, *Clericus parva Bagæ, Custos Rotulorum, & Domus Conserforum*; because the Place where the Rolls of Chancery are now kept, was anciently the Habitation of those Jews, who were converted to Christianity: But those Converts gave themselves up to all Sensuality and Wickedness, and therefore Edw. 3. Anno regni sui 51. suppressed them, and gave the House for the safe Keeping of the Rolls of all Patents and Grants which pass the Great Seal, and the Records of Chancery. He is called *Clerk of the Rolls*, Anno 12 Rich. 2. cap. 2. and in *Forsewe*, cap. 24. And no where *Master of the Rolls*, until 11 Hen. 7. cap. 20. And yet, cap. 25. *Ejusdem*, he is called also *Clerk*. In which Respect, Sir Tho. Smith, lib. 2. cap. 10. says, he may not unfitly be called *Custos Archivorum*. He hath the bestowing the Office of the Six Clerks, and the Clerks of the Petty-Bag, Examiners of the Court, and the Clerks of the Chapel. Anno 14 & 15 Hen. 8. cap. 1. See Roll.

**Master of the Temple**, The Founder of the Order of the Templars, and all his Successors, were called *Magni Templi Magistri*, and probably from hence he was the Spiritual Guide and Director of the Temple. Ever since the Dissolution of that Order, he is called *Master of the Temple*.



**Walter of the Wardrobe** (*Magister Garderoba*) Is a great Officer in Court, who had, till the Fire of London, Anno 1666. his Habitation belonging to that Office, called the *Wardrobe*, near *Puddle-Wharf* in London. He has the Charge and Custody of all former Kings and Queens ancient Robes, remaining in the *Tower*; and all Hangings, Beddings, &c. for the King's Houses. He has also the Charge and Delivery out of all Velvet or Scarlet allowed for Liveries, &c. Of this Officer Mention is made Anno 39 Eliz. cap. 7.

**Wasters of the Chancery**, *Magistri Cancellaria*, Are Assistants in Chancery to the Lord Chancellor, or Lord Keeper of the Great Seal, in Matters of Judgment. Of these, there are some Ordinary, some Extraordinary: Of Ordinary there are Twelve (whereof the *Master of the Rolls* is accounted one) whereof some sit in Court every Day in each Term, and have referred to them (at the Lord Chancellor's, Lord Keeper's, or Master of the Rolls's Discretion) Interlocutory Orders, for stating Accounts, computing Damages, and the like; taking of Oaths, Affidavits, and Acknowledgements of Deeds and Recognizances. The Extraordinary do act in all the Country Ten Miles from London, by taking Recognizances, and Affidavits, Acknowledgment of Deeds, &c. for the Ease of the Subject.

**Mastigia**, A Rod or Whip. *Indigena cum dorsis Mastigias, cervicibus jugum, &c. facturos: Gildas de excidio Britan.* Sometimes 'tis taken for a Girdle.

**Mastinus**, A great Dog, A Mastive. Fr. *Mastin*.—*Rex precepit quod expeditatio mastinorum fiat, ubicunque fere sua pacem habent, vel habere consueverunt.* *Affisa Forestæ* Itin. 11. Artic. 6.—*Canes & Mastini per omnes Forestas Angliæ occidunt Hen. Knyghton, l. 2. c. 15.*

**Masure**, (Fr. *Masure*) An old decayed House or Wall, the Ruins of a Building.—*In Burgo fuerunt 118 Masuræ, reddebant 4l. 2s. Domesday.*

**Masure terræ**. *Sunt in eisdem masuris 60 Domus plus quam ante fuerunt.* Domesday. In Fr. *Masure de terre* is a Quantity of Ground, containing about four Oxgangs; with us it is taken for *Domicilium cum fundo, vel pro fundo cum domicilio competenti.*

**Materia**, A great Beam, or Timber fit for Building. *Dedi illis Materiam & ligna ad omnia necessaria sua, & ad Domos suas edificandas.* Monast. 1 Tom. pag. 821.

**Materiatus**, i. e. A Carpenter.

**Matitunellum**, i. e. A Breakfast. 'Tis mentioned in a Customary of the Priory of Lewes in *Suffex*, fol. 18. *Lanceti falcabant pratum domini cum corredo tali, i. e. with such Provision or Food. Ad Matitunellum pane, ordeo & caseo, ad nonam potagio & duplici companagio, i. e. A double Quantity of Bread and Eatables.*

**Matricula**, A Register. As in the Ancient Church there was *Matricula Clericorum*, which was a List or Catalogue of the Officiating Clergy: And *Matricula Pauperum*, which was an Account of the Poor to be relieved. Hence to be entred in the Register of the University of Oxford, is to be *matriculated*; &c.

**Matrimonium** Is sometimes taken for the Inheritance which descends to a Man *ex parte Matris*, viz. *Cum omni hereditate Patrimonii & Matrimonii sui, &c.*

**Matrinæ**, i. e. A Godmother. Sometimes it signifies a Mother-in-Law.

**Matrix Ecclesiæ**, The Mother-Church, either a Cathedral Church, in respect of the Parochial within the same Diocese: Or a Parochial Church; in respect of the Chapels depending on it.

**Matter in Deed**, and **Matter of Record**, Are said to differ thus: In *Old Nat. Brev. fol. 19.* *Matter in Deed* seems to be nothing else but a Truth to be proved, though not by any Record: And *Matter of Record* is that which may be proved by some Record: For Example, If a Man be sued to an *Exigent*, during the Time that he was in the King's Wars; this is *Matter in Deed*, and not *Matter of Record*: And therefore he that will alledge this for himself, must come before the *Scire facias* for Execution be awarded against him, for after that nothing will serve but *Matter of Record*; that is, some Error in the Process appearing upon Record. *Kitchin, fol. 216.* maketh a Difference between *Matter of Record*, and a *Specialty*, and *nude Matter*; where he saith, That *nude Matter* is not of so high a Nature as either *Matter of Record*, or a *Specialty*, otherwise there called *Matter in Deed*; whereby it seems, That *nude Matter* is a naked Allegation of a Thing done, to be proved only by Witnesses, and not either Record or other *Specialty* in Writing under Seal.

**Maugre** Is a Compound of two French Words, *Mal* and *Gre*, i. *iniquo animo*; so that it is as much as to say, with an unwilling Mind, or in Despite of another, and so it is used in *Lit. Sect. 672.* Where it is said, That the Husband and Wife shall be remitted, *maugre* the Husband, that is, in Despight, or against the Will of the Husband.

**Maum**, A soft brittle Stone in some Parts of Oxfordshire, which the Inhabitants call *Maum Dr. Plot's Nat. Hist. of Oxfordshire, pag. 69.* The Saxon Interpreter of *Orosius*, uses the Word *Maalm-stan*, which Mr. *Somner* renders Soft-stone. And in Northumberland they still use the Word *Maum* or *Moum*, for soft and mellow.

**Maund**, A Kind of great Basket or Hamper; containing eight Bales, or two Fats. See the *Book of Rates, fol. 3.*

**Maundy Thursday**, The Thursday before Easter, so called from the Fr. *Mande*, *Sportula*, because on that Day it was a Custom to give larger Bounty to those poor Men whose Feet the King washed.

**Maupigynum**, An old Sort of Broth or Potage. *Robertus Agyllon tenet unam carucatam terræ in Adington in Com. Surrei per serjantiam faciendi unum ferculum in olla lutea in coquina Domini Regis die coronationis sue, & vocatur Dilligrout, & si sit Segm. (sagimen) in illo ferculo vocatur Maupigynum.*—An. 39 H. 3. Mr. *Blount* of Tenures, p. 1.

**Maxims in Law** Are Positions and Theſes, being Conclusions of Reason, and universal Propositions, so sure and perfect, that they may not be impugned or disputed. For *Co. upon Lit. saith*, That *Principia probant, non probantur*, and therefore *contra negantem Principia non est disputandum*: It is another Maxim, That *as no Estate can be vested in the King, without Matter of Record, so none can be devested out of him, but by Matter of Record.* For Things are dissolved as they are contracted. *Co. Rep. 1. Cholmeys's Case.* Another, That an Obligation; or other Matter in Writing, cannot be discharged by an Agreement by Word. And *Argumentum ab autoritate fortissimum est in Lege.* *Co. on Lit. pag. 141.* It is also a Maxim, That if a Man have Issue, two Sons by divers Venters, and the one of them

*purchase Lands in Fee, and die without Issue, the other Brother shall never be his Heir, &c.* See Co. on Litt. fol. 11. 144. And see also Doctor and Student.

**Mayor** Is the Chief Magistrate of a City, and anciently among the Britains called *Meyr*; which is derived from the British Word *Miret*; which signifies *Custodire*, to keep and preserve; and not from the Latin *Major*, greater. Anno 1189. Richard the First changed the Bailiff of London into a Mayor, and by that Example 1204. King John made the Bailiff of Kings Lyn a Mayor, while Norwich obtained not that Title till the Seventh of Henry the Fifth 1419. See more of this Word in Spelm. Gloss.

**Mazer**, **Mazarum**, A Drinking-bowl. — *Ipse Abbas reliquit — unum salarium argenteum, & picarium argenteum, item quatuor cithos de Mazere, videlicet, duos cum pedibus, &c.* Cartular. Glaston. MS. fol. 54. a. What this Mazere was, of which the Bowls called commonly Mazers were made, is not agreed on by Authors. Somner thinks it Maple-wood; Du Fresnoe believes it Marrihne-stone. I believe it was what we now call Porcellane.

**Meale-rents** Are certain Rents still so called, but now paid in Money, which heretofore, by some Tenants, in the Honour of Clun, were paid in Meal, to make Meat for the Lord's Hounds.

**Meals**, The Shelves of Sand or Banks on the Sea-Coasts of Norfolk, are called the Meals and the Males.

**Mean**, **Medius**, Signifies the Middle between two Extrems, and that either in Time or Dignity. For Example of the First, His Action was mean betwixt the Dissein made to him and his Recovery, that is, in the Interim, (or as we usually say, in the mean Time.) Of the Second, there is Lord Mean or Mesne, (mentioned in the Statutes of Amortising Lands, made tempore E. 1.) and Tenant. See Mesne.

**Mease**, **Messuagium**, Seemeth to come from the French *Maison*, or rather *Meix*, which Word you read in *Cassaneus de Consuet. Burgund. pag. 1195.* and interpreted by him *Mansus*. What *Mansus* is, see *Mansion*: It signifies a Messuage or Dwelling-House. *Kitchin, fol. 139.* and *F. N. B. fol. 2. Stat. Hiberniæ, 14 H. 3. and 21 H. 8. 13.* In some Places called corruptly a *Mise* or *Mise-place*. See *Mise*, and *Mese*, and *Mesnage*.

**Measne**. See *Mesne*.

**Meason-due**, In French *Maison de dieu, Domus Dei*; A House of God, A Monastery, religious House, or Hospital; the Word is mentioned 2 & 3 P. & M. cap. 25. 39 Eliz. 5. and 15 Car. 2. 7.

**Measure**, **Mensura**, According to the 25th Chapter of *Mag. Chart.* And the Stat. 17 Car. 1. cap. 19. All Weights and Measures in this Kingdom ought to be the same, and according to the King's Standard. See 4 Inst. 273. and *Mensura*. See the Stat. 22 Car. 2. cap. 3. Which Standard is called in our Historians, *Mensura Regalis*, and was always kept in the King's Palace; and all other Measures were to be made after the same Manner, and in every City, Market-Town, and other Villages, it was kept in the Churches.

**Measurer**. See *Alneger*. — Also that William Norton, common Meter of Woollen-Cloth, may be sworn to occupy his Office of Measuring truly and indifferently, upon Pain, &c. Articles exhibited to the Lord Mayor of London, &c. by the Commons of the City, tempore Hen. 8.

**Measuring-Money**, That certain Letters Patent, whereby some Person exacted of every Cloth made, certain Money, besides Alnage, called the *Measuring-Money*, may be revoked. Rot. Parl. 11 H. 4.

**Meata**, Northumberland.

**Medna**, A certain Measure or Quantity of Laud, but how much non constat: 'Tis mentioned in *Mon. Angl. 2 Tom. pag. 132.*

**Mederia**, A Mead-House, or Place where Mead or Metheglin was made. — *Robertus Abbas Glastoniæ tempore Hen. 2. remisit suis Monachis ceram & mel, quæ de mederia percipere solebant ejus Antecessores.* — Cartular. Abbat. Glaston. MS. fol. 29. Hence *Medarius*, the Mead-maker. —

*Salva pensione decem marcarum, quas idem Prior tenebat solvere quatuor officialibus Glaston. videlicet Hostiliario, Infirmario, Gardinario, & Medario.* Cartular. Abbat. Glaston. f. 29.

**Medfee**, The Saxon Dictionary interprets it to be a Bribe or Reward; it also signifies that Compensation given in an Exchange, where the Things exchanged are not of equal Value; as in 4 E. 3. *Hoc scriptum fact. 20 die Decemb. inter Dominum Hugonem de Courtenay ex parte una & Rich. Stanlake, & Johannam uxorem ejus, ex altera parte, testatur, quod idem Dominus Hugo in exchange — remisit, &c.* and at last it follows, *Quod ipsi non dabunt Medfee.* See *Aurura*.

**Mediæ & infimæ manus homines**, i. e. Men of a mean and base Condition, otherwise called Men of low Fortunes: *Et plures mediæ manus quos ex justis causis Rex exheredaverat. Radulfus de Diceto. Anno 1112.* So, *Duos milites mediæ manus homines, &c. infimæ manus homo* is a Man of an inferior Condition.

**Mediamne**, A little Island, i. e. in the middle of the Water:

*Dic Rivus, latices, puteos, dic Stagna, paludes; Annis jungatur, a quo Mediamnis vocitatur.*

**Medianus**, i. e. Of a middle Size, *Medianus homo*, a Man of a middle Fortune; *Medianus Bos*, an Ox of a middle Price.

**Mediators of Questions**, Anno 27 E. 3. Stat. 2. c. 24. Were six Persons authorized by that Statute, (who upon a Question risen amongst Merchants touching any unmarketable Wool, or undue Packing) might before the Mayor and Officers of the Staple, upon their Oath certify and settle the same; to whose Order therein the Parties were to live Credence without any Contradiction.

**Medietas linguæ** Signifies an Enquest empannelled, whereof the one Half consists of Natives or Denizens, the other Strangers; and is used in Pleas, wherein the one Party is a Stranger, the other a Denizen. See the Stat. 28 Edw. 3. cap. 13. — 27 ejusdem, Stat. 2. cap. 8. and 8 Hen. 6. cap. 29. Before the First of these Statutes was made, this was wont to be obtained of the King by Grant made to any Company of Strangers. *Staundf. Pl. Cor. lib. 3. cap. 7.* and is called a *Party-Fury*. Anno 14 Car. 2. canp. 11. *Solomon de Stanford*, a Jew, had a Cause tried before the Sheriff at Norwich, by a Jury of *Sex probos & legales homines & sex legales Judæos de Civitate Norwici, &c.* Norf. Panch. 9 Edw. 1. Judæorum Rot. 4 & 5. in dorso.

**Medio Acquietando** Is a Writ Judicial, to distrain a Lord for the Acquitting a mean Lord from a Rent which he formerly acknowledged in Court not to belong to him. *Reg. Jud. fol. 29.*

**Mediterranean** Is that which passeth through the midst of the Earth. And for that Reason the Sea which stretcheth it self from *West* to *East*, dividing *Europe*, *Asia*, and *Africa*, is called *The Mediterranean Sea*; It is mentioned 12 Car. 2. in the Statute of *Tonnage*.

**Medium Tempus** Was of old taken to signify the mean Profits, as *Annum, diem & medium tempus*. See *Flem.*

**Mendlefe**, *Crom. Justice of Peace, fol. 193.* Is that which *Bracton* calleth *Medletum*, lib. 3. tract. 2. cap. 35. It signifies Quarrels, scuffling or brawling, and to be derived from the French *Mesler*, i. *miscere*. *Culpa dicitur quam quis inopinate commiserit non rixando solum & pugnando, sed immiscendo se pacifice rei cuius vel negotio*, saith *Spelman*. Hence our usual Phrase, *To meddle with other Folks Business*.

**Medleta**, *Bracton, lib. 3. cap. 35. i. e.* A sudden scolding at, and beating one another.

**Medyspp**, A Harvest-supper, or Entertainment given to the Labourers at Harvest-home.—*In manerio de Stiveton Com. Berk. quando Tenentes metunt terras Domini habebunt convivium quod vocatur Medyspp, & dabunt Domino unum exhennium de duabus lagenis vini & una Auca*——— *Placit. 9 Ed. 1.*

**Medway**. See *Vaga*. It was called *Vaga* by the Britons; the Saxons added *Med*.

**Meer**, *Merus*, Though an Adjective, yet is used as a Substantive, to signify *meer Right*. *Old Nat. Brev. fol. 2.* in these Words. This Writ hath but two Issues, viz joining the *Mise* upon the *Meere*, and that is to put himself in the *Great Assise* of our Sovereign Lord the King, or to join *Battel*. See *Mise*.

**Megbote**. See *Magbote*.

**Meiny**, *Menagium*, French *Mefnie*. As the King's *meiny*. 1 R. 2. cap. 4. That is, the King's Family or Household Servants.

**Melda**, i. e. *Manifestatio*: From the Saxon *Melda*, i. e. *proditor, pecoris ticium, Camis oppa, & bolan hornum, horum trium singulum est unum solidum valens, & unumquodque reputetur Melda, i. e. Manifestatio*. *Leg. Inx, cap. 20.*

**Meld-fest**, The Reward and Recompence due and given to him that made the Discovery of any Breach of penal Laws committed by another. The Promoter or Informer's Fee. See the *Saxon Dictionary*.

**Meliorez**. See *Tales*.

**Melius inquirendo** Is a Writ that lieth for a second Inquiry of what Lands and Tenements a Man died seised, where partial Dealing was suspected upon the Writ of *Diem clausit extremum*. *Fitz. Nat. Brev. fol. 255.*

**Memoria**, Monuments or Sepulchres of the Dead.—*Qui conveniunt ad vigiliis noctis in vigiliis Sanctorum ad eorum Ecclesias vel memorias vel ad exequias defunctorum*. *Epist. Rob. Grossetest apud Append. ad Fasciculum, p. 315.*

**Memories** Are some Kind of Remembrances or Obsequies for the Dead, in Injunctions to the Clergy. 1 E. 6.

**Menagium**, A Family: 'Tis mentioned in *Trivet's Chronicle, pag. 677.* and in *Walsingham, pag. 66.* *Fidelitatem & Homagium, ratione terrarum quas in regno nostro tenebant & etiam ratione menagii, &c. vobis reddimus, &c.*

**Mendum** In old Charters signifies Damage, *si fecerit aliquid unde mendum exire debeat, &c.* *Du Cange.*

**Menials**, As *menial Servants*, (a Derivative from *Mania*, signifying the Walls of a House, or other Place,) are Household-Servants, that is, such as live within the Walls of their Master's House, mentioned in the Stat. 2 H. 4. 21.

**Mensa**, By this Word is comprehended all that Patrimony, or Goods and Necessaries for our Livelihood; *Dominicum est proprie terra ad mensam assignata.*

**Mensalia** Were such Parsonages or Spiritual Livings as were united to the Tables of Religious Houses, and were called *Mensal Benefices* amongst the Canonists. And in this Sense it is taken when we read of Appropriations *ad Mensam suam*.

**Mensis veritus**.—*Habuit in predicto bosco centum capras cum sua secta per totum annum tam in mense verito quam alio tempore, &c.* *Pla. Parl. 18 E. 1.* See *Fench-moneth*.

**Mensura**, In a legal Sense is taken for a Bushel, as *Mensura Bladi*, a Bushel of Corn. So in the Register of the Priory of *Cokesford*, it is used to the same Purpose, viz. *Prior habet mensuras tam aridorum quam liquidorum signatas signo Domini Regis, & quod nullus debet vendere nec emere in foro nisi per eas.*

**Mensura Regalis**, The King's Standard-measure, kept in the Exchequer, according to which all others are to be made. See 17 Car. 1. cap. 19. *Vide Measure*.

**Mer** or **Mere**: Words which begin or end with those Syllables, signify fenny Places.

**Mera noctis**, Midnight.—*Herlewinus Abbas Glasston. sacro unguine delibatus in mera noctis diem clausit extremum*. *Cartular. Abbat. Glasston. MS. fol. 10.*

**Mercandisa**, All Goods and Wares exposed to Sale in Fairs or Markets.—*In omnibus burgis & villatis nostris & etiam in singulis Nundinis & Mercatis nostris libere valeant emere & vendere omnes Mercandisas absq; ullo theloneo seu ballagio*. *Paroch. Antiq. pag. 311.* And therefore the Word *Mercator* was not restrained, as it seems now to be, to Merchants or Traffickers in Foreign Commodities, but extended to all Sorts of Traders, or Buyers and Sellers.

—*Omnes homines & Mercatores honoris de Walingford.*—*ibid. p. 113.* And therefore if the Scotch call their very Pedlars *MERCHANTS*, they keep the primitive Use of the Word.

**Merceus**, A Mercer.—*Concessi & confirmavi Thomæ de Brandon Civi & Merceio London. tenementum, &c.* 28 Edw. 3. — *Munimenta Coll. SS. Trinit. de Pontefracto MS. fol. 27.*

**Mercennarius**, A Hireling, a Servant.—*Ego & heredes mei & libera familia mea ad capellam de Ascote oblationes deferemus; Mercennarii vero & Tenentes mei de Ascote & famuli eorum adibunt ipsam capellam*. *Cartular. Abbat. Glasston. MS. f. 115.*

**Mertrehenlage** Is one of those three Laws out of which the Conqueror framed our Common Laws with a Mixture of the Laws of *Normandy*, and was the Law of the *Mercians*, when they governed the third Part of this Realm. For *Cambden* in his *Britannia, pag. 94.* &c. saith, that in the Year 1016. this Land was divided into three Parts, whereof the *West Saxons* had one, governing it by the Law called *West-Saxonlage*. and that contained these nine Shires, *Kent, Suffex, Surrey, Berkshire, Hampshire, Wiltshire, Somerset, Dorset, and Devon Shires*. The Second by the *Danes*, which was ruled by the Laws called *Danelage*, and that contained these Fifteen Shires, *York, Derby,*

Derby, Nottingham, Leicester, Lincoln, Northampton, Bedford, Buckingham, Hertford, Essex, Middlesex, Norfolk, Suffolk, Cambridge, and Huntingdon. The Third was possessed and governed by the *Mercians*, whose Law was called *Merchenlage*, and held these Eight, Gloucester, Worcester, Hereford, Warwick, Oxford, Chester, Salop, and Stafford. Out of these three (which relate not at all to a different Law, Custom, or Usage, but to several Sorts of *Amerciaments*, *Mulcts*, and *Fines*, for the Transgression of one and the same Law,) as we said, with some Additions, was framed that which we now call, *The Common Law of England*.

*Merchet*, *Merchetum*, A Fine or Composition paid by inferior Tenants, to the Lord, for Liberty to dispose their Daughters in Marriage. No Baron, or military Tenant could marry his sole Daughter and Heir, without such Leave purchased from the King, *pro Maritanda Filia*. And many of our servile Tenants could neither send their Sons to School, nor give their Daughters in Marriage, without express License from the superior Lord. See Mr. Kenner's *Glossary* in *Maritagium*. See *Marchet*.

*Mercia* Is used in many Places in the *Monastic* for *Amerciament*.

*Mercimoniatus Angliæ* Was of old Time used for the Impost of England upon Merchandise.

*Mercy*, *Misericordia*, Signifies the Arbitrament or Discretion of the King, Lord or Judge, in punishing any Offence, not directly censured by the Law: As to be in the *grievous Mercy* of the King. 11 H. 6. 6. is to be in Hazard of a great Penalty. See *Misericordia*.

*Merennium*, *Merannum*, *Merremium*, *Meremium*, *Maeremium*, Fr. *la Merrien*, and *Marren*, Any Timber or Materials of Wood for Building.

In *Marenno empto apud Curtlyngton cum carriagio ejusdem pro collistrigio apud Dadyngton de novo faciend.* Paroch. Antiq. p. 557. *Vetus Merennum* was the refuse Wood, or old Pieces of Timber and Boards left among the Rubbish, after Building, or Repairing, or pulling down of Houses.

*Merctum*, A Lake, from the Saxon *Mere*, *Lacus: Maneria*, *Molendina*, *Merica*, & *Marisca*. Ingulph. p. 861.

*Merse-Clare*, (Sax. *Incola Paludum*) So the Inhabitants of *Romney-Marsh* in *Kent* were anciently called.

*Meriores. i. e.* Divers. *Matt. Paris. An. 1191. Tandem a Regis Ricardi merforibus ipsam subitus aquam invadentibus, &c.*

*Mertlage* Seems to be a Corruption of, or a Law-French Word for Martyrology. *Vide Hill. 9 Hen. 7. fol. 14. b.* For it being asked what was meant by *Mertlage*, the Book says, *Ceo est Kalender Universal in l'Eglise de c'est Realm, lex queux Priests sont lies d'observe & ne pluis.* A Church-Kalendar or Rubric.

*Merschin*. See *Mischinus*.

*Messe* (from the Greek *Μέσση*, i. e. *Medium*, Lat. *Alestitium*,) of Herrings is five Hundred, the Half of a Thousand. See *Mease*.

*Meskeninga*. See *Miskening*.

*Mein* or *Measn*, *Medius*. May be deduced from the French *Maisne*, i. minor natu, and signifies him that is Lord of a Manor, and so hath Tenants holding of him; yet himself holds of a

superior Lord, and therefore not absurdly drawn from the French *Maisne*, because his Tenure is inferior and minor to that of which he holds.

*Mesne* Also signifies a Writ, which lieth where there is Lord, *Mesne*, and Tenant. The Tenant holdeth of the *Mesne* by the same Services, whereby the *Mesne* holdeth of the Lord; and the Tenant of the *Mesne* is distrained by the superior Lord, for that his Service or Rent which is due to the *Mesne*. *Fitz. Nat. Brev. fol. 135. 13 E. 1. cap. 9.*

*Mesnalty*, *Medietas*, Cometh of *Mesne*, and signifies nothing but the Right of the *Mesne*, as the *Mesnalty* is extinct. *Old Nat. Brev. fol. 44.* if the *Mesnalty* descend of the Tenant. *Kitchin, fol. 147.* For farther Understanding whereof, take these Words out of the *Customary of Normandy*, *Medietate tenentur feuda, quando aliqua persona inter-venerit Dominum & tenentes; Et hoc modotenent omnes Posnati, mediante ante-nati.*

*Messarius*, From *Messe*, is the chief Servant in Husbandry, now called a Bailiff in some Places, whose Office is to look into the Grounds to see that no Damage is done. We read it in the *Monastic. 2 Tom. 832. concessit, &c. fratribus in Bereford habere suum proprium imparcum & Messarium, &c.*

*Messarius* Also signifies a Mower or Harvester. *Fleta, lib. 2. cap. 75.*

*Messinger* of the *Erchequer* Is an Officer in that Court, of which there are four, who as *Pursuivants* attend the Lord Treasurer, to carry his Letters and Precepts. See *Pursuivant*.

*Messe Thane* Signifies a Priest. The Saxons called every Man *Thane*, who was above the common Rank; so *Messe Thane* was he who said Mass; and *Worules Thane*, was a secular Man of Quality.

*Messewegen, i. e.* Presbyter.

*Messina*, Reaping Time, Harvest. — *Et qualibet hida terra debet in Autumno tres preces ad Messinam cum octo hominibus ad cibum Domini, & debent caviare quod metunt sine cibo.* Cartular. Abbat. Glaston. MS. f. 40.

*Messuage*, *Messuagium*, Is properly a Dwelling-House, with some adjacent Land assigned to the Use thereof. *West, part 2. Symb. Tit. Fines, Sect. 26. Bract. lib. 5. cap. 28. and Plowden, fol. 169, 170.* Where it is said, That by the Name of a *Messuage* may pass also a Curtilage, a Garden, and Orchard, a Dove-House, a Shop, a Mill, a Cottage, a Toft, a Chamber, a Cellar, &c. yet may they be demanded by their single Names. *Messuagium* in Scotland, signifies the principal Place or Dwelling-House within a Barony, which we call a *Manor-House*. *Skene de verbo. signif. verb. Messuagium;* In some Places it is called the Site of a *Manor*. A *Præcipe* lies not de domo, but de *messuagio*. *Coke on Littl. cap. 8.*

*Mestilo*, *Mesline*, or rather *Mescolane*, That is, Wheat and Rye mingled together.

*Et nonam garbam frumenti, mestilonis, siliginis & omnis generis bladi.* Pat. 1 E. 3. par. 1. m. 6.

So *Mestilun*. — *Duas acras concessi de dominio meo ejusdem manerii, scil. unam acram de frumento & alteram de Mestilun.* Cartular. Abbat. Rading. MS. fol. 59. a.

*Meterozn*, A Measure or Portion of Corn, given out by the Lord to some customary Tenants, as a Reward and Encouragement for their Duties of Work and Labour. *Stipendia & Mette-corn,*



corn, ac cetera debita servitia in monasterio predicto solvantur. Ryley's Plac. Parl. f. 391.

**Meregabel**, Cibi gablum seu veelgal, A Rent paid in Viſtuals, a Thing usual of old, as well with the King's Tenants as others, till Henry the First changed it into Money. *Taylor's Hist. of Gavelkind*, pag. 118.

**Methglin**, A Kind of Drink made of Water, Herbs, Spice and Honey boiled together: 'Twas an old British Drink, and still continues from Wales, in Repute in England, and mentioned in the Act for Excise. 15 Car. 2. 9.

**Mett**, A Measure, most likely a Gallon: *Mettys*, Measures.— Nos Henricus Burgh Prior Elien. & Conv.— concessimus Johanni Downham Capellano — septimanatim septem panes monachales, — & septimanatim septem Mettys optima cerevisie — Dat. ult. Mart. 1466. — Cartular. Elien. MS. fol. 88.

**Mettefhep**, **Metteschep**, **Mettenscep**, Some Rent or Acknowledgment paid in a certain Measure of Corn; for which an Equivalent was sometimes paid in Money. It seems to have been commonly a Fine or Penalty imposed on the Tenant, for his Default in not doing his customary Service of cutting the Lord's Corn. As in the Manor of Pidington, Com. Oxon. — Qualibet virgata solvet per annum quinque solidos, quatuor dies de consuetudine, videlicet, unum diem ad pratum Domini falcandum, ad cibum Domini, vel domino dabit quadraginta denarios pro Metteshep. *Paroch. Antiq.* p. 495.

**Meya**, A Mow of Corn laid up in the Barn. — cariaunt bladum per unum diem cum una carella & invenient unum hominem per unum diem ad faciendum Meyas in grangia. Blunt of Tenures, pag. 130. See *Mullones Fæni*. And to this Day in some Parts of England, they say, *Mey* the Corn, i. e. put it on an Heap in the Barn.

**Micha**, The same with *Michis*, a little white Loaf: *Capiant de predicto priore pro qualibet caia Cirporum tres albos panes vocatos Michis. Du Cange.*

**Micel-Gemotes**, **Micel-Synods**, The great Councils in the Saxon Times, of King and Noblemen, were called *Wittena-Gemetes*, and after *Micel-Synods*, and *Micel-Gemotes*, i. e. Great and General Assemblies.

**Michis**, A Sort of white Loaves, paid as Rent in some Manors. *Una Micha*, one white Loaf. *Reg. de Felley in Com. Nott.*

**Midhana**, i. e. With three: From the Saxon *Mid*, with, and *Trina*, three. *Si aliquis accusatur quod paverit eum qui pacem Domini nostri fregerit, Ladiet se midthrina 12. i. e. with three Times 12. Leg. Ethelred at Wantage, cap. 15.*

**Mildernur** Are a Kind of Canvas, whereof Sail-Cloths, or other Furniture for Ships, are made, *Anno 1 Jac. cap. 24.*

**Mile**, **Miliare**, Is the Distance of one Thousand Paces, otherwise eight Furlongs, every Furlong to contain forty Lugs or Poles, and every Lug or Pole sixteen Foot and a Half. 35 Eliz. 6.

**Miles**. See *Knight*.

**Militare**, i. e. To be Knighted, viz. *Rex per Angliam fecit proclamari, &c. ut qui haberent unde militarent adessent apud Westmonasterium, &c.* *Mat. Westm.* pag. 118.

**Militia**, The Furniture and Habiliments for War. 12 Car. 2. cap. 2.

**Militia**. In *Militia approbatus*, One who twice or oftener approved himself in *Military Services*: 'Tis found in *Jeffrey of Monmouth*, lib. 4. cap. 4.

**Millcate**, (*Anno 7 Jac. cap. 19.*) A Trench to convey Water to or from a Mill: *Restius*, a *Millent*. An usual Word in Conveyances in *Devonshire*.

**Mina**, A Corn-measure or Measure of different Quantity, according to the Things measured by it. *John de Westerham*, Prior of *Rocheſter* about the Year 1320. gives this Account of it — *Mensura ad frumentum, & ad bladum, & ad pisa quæ alio nomine Mina vacantur, continet 5 Eskippas de duro blado, & iste 4 minæ cum gata quæ dicitur Gundulfi faciunt 3 sumas — unde mina & gata faciunt 3 quarteria. Mina ad prutdum recipiendum continet 7 Eskippas; Mina ad brasium continet 3 eskippas de duro blado. Mina ad farinam in pristino continet largiter 7 Eskippas & debet mensurari sicut sal & radi.* Hence *Minagium*, *Minage*, was a Toll or Duty paid for selling Corn by this Measure of Mines.

**Minare**, To mine, or dig Mines. *Minator*, a Miner — *Petunt Archiepiscopi, Episcopi, & Clerus Angliæ, ut Dominus Rex non sustineat Minatores, suos de stanno, plumbo, vel ferro minare vel evertere terras Ecclesiæ, &c.* *Annal. Burton.* sub Anno 1256. pag. 291. *Minera*, *Mineria*, *Minerator*, — *Furatores dicunt quod in principio quando Mineratores veniunt in campum mineriam quærentes, inventa minera venient ad Ballivum — Placita debent teneri super minerias in Pecco.* 16 Ed. 1.

**Minator Carucæ**, A Ploughman. In the Table of Wages due to Servants and Labourers — *In hieme Minatores carucarum, ventator, Subcarucarius, quilibet eorum recipit xvi denarios. Computus Domus de Farendon.* MS. f. 32.

**Mineral Courts**, *Curie Minerale*, Are peculiar Courts for regulating the Concerns of Lead-Mines, as *Stannary Courts* are for Tin.

**Muniments**, or **Muniments**, (*Munimenta*, from *munio*, to defend) Are the Evidences or Writings, whereby a Man is enabled to defend the Title of his Estate. 5 R. 2. 8. and 35 H. 6. 37. *Wangford* says, This Word *Muniment* includes all Manner of Evidence. See *Muniment*.

**Ministri Regis** Extend to the Judges of the Realm, as well as to those that have *Ministerial Offices*. Co. 2. Inf. fol. 208.

**Muniver**. See *Furr*.

**Minor**, One in Nonage, Minority, or under Age: More properly an Heir Male or Female, before they come to the Age of 21; during which Minority, their Actions are invalid, &c. Yet a Minor may present, as Patron, to an Ecclesiastical Benefice.

**Minors**, **Minerites**, The *Franciscan Friars*, so called by the Rules of their Order. *Nullus vocetur Prior, sed generaliter omnes vocentur Fratres Minores, & alter alterius lavet pedes — Ex Regulis S. Francisci, cap. 6. — Sub his diebus Predicatores qui appellati sunt Minores, sevientio Papa, emergentes terram repleverunt.* *Mat. West.* sub Anno 1207.

**Minover**, 7 R. 2. 4. Seemeth to be compounded of two French Words, *Main*, i. *Manus*, and *Ouvrer*, i. *operari*, and signifies some Trespass or Offence committed by a Man's Handy-work in the Forest, as an Engine to catch Deer: *Eritton* uses the Word *Mainoverer*, to occupy and manure Land. cap. 40. and cap. 62. *Mainover* for Handy-work. Our English Word *Manure* hath a great Similitude with it.

**Minstrel**, (*Minstrellus* & *Menestrellus*, from the French *Menestrier*.) A Musician, a Fidler or Piper; mentioned 4 Hen. 4. cap. 27 Pat. 24 April, 9 Ed. 4. *Quod Mariscalli & Minstrelli predicti per se forent & esse deberent unum Corpus & una Communitas perpetua*, &c. Upon a Quo Warranto, 14 Hen. 7. *Laurentius Dominus de Dutton clamat, quod omnes Minstrelli infra Civitatem Cestrie & infra Cestriam manentes, vel officia ibidem exercentes, debent convenire coram ipso vel Senescallo suo apud Cestriam, ad Festum Nativitatis S. Johannis Baptiste annuatim, & dabunt sibi ad dictum Festum quatuor Lagenas vini & unam Lanxam; & insuper quilibet eorum dabit ei quatuor denarios & unum obolum ad dictum Festum, & habere de qualibet Meretrice infra Comitatum Cestrie, & infra Cestriam manente, & Officium suum exercente, quatuor Denarios per annum ad Festum predictum, &c.* And where by the Statute of 39 Eliz. cap. 4. Fiddlers are declared to be Rogues, yet there is a Proviso therein, exempting those in Cheshire licensed by Dutton of Dutton. The Musicians of England, incorporated by King Charles 2. Anno 1670. V. Claus. 9 Edw. 2. M. 26. Dorsø, an Ordinance super mensuratione ferculorum & Menestralorum.

It was usual for these Minstrels, not only to divert Princes, and the Nobility, with Sports, but also with Musical Instruments, and with flattering Songs, in the Praise of them and their Ancestors, which may be seen in these Verses:

*Principis a facie, cytharæ celeberrimus arte  
Assurgit mimus, ars Musica quem decoravit,  
Hic ergo chorda resonante subintulit ista:  
Inclite Rex Regum, probitatis stemmate vernans,  
Quem vigor & virtus extollit in æthera fama,  
Indole virtutis qui vincis facta parentis.  
Major ut Atides, patrem Neptunius Heros  
Ægea, Pelides excedit Pelea, Jason  
Esena, nec prolem pudor est evincere patrem;  
Corde gigas, agnus facie, Laertius astu,  
Consilio Nestor, &c.*

The Office and Power of the King of the Minstrels, is mentioned in the Monastic. 1 Tom. pag. 355.

**Mint** Is the Place where the King's Coin is formed, be it Gold or Silver, which is at present, and long hath been the Tower of London, though it appear by divers Statutes, that in ancient Times the Mint hath been also at Calais, 12 R. 2. 16. 9 H. 5. Stat. 5. cap. 5. The Officers belonging to the Mint have not always been alike: At present they are these, *The Warden*, who is the Chief of the Rest, and is by his Office to receive the Silver of the Goldsmiths, and to pay them for it, and to over-see all the Rest belonging to this Function: His Fee is a Hundred Pounds per Annum. *The Master-worker*, who receiveth the Silver from the Warden, causeth it to be melted, and delivereth it to the Moniers, and taketh it from them again when it is made; His Allowance is not any set Fee, but according to the Pound-Weight. The Third is *The Controller*, who is to see that the Money be made to the just Assize, to over-see the Officers, and control them, if the Money be not as it ought to be; his Fee is a Hundred Marks per Annum. Then is *The Master of Assay*, who weigheth the Silver, and seeth whether it be according to the Standard; his yearly Fee is likewise a Hundred Marks: Then is *The Auditor* to take

the Accounts. *The Surveyor of the Melting*, who is to see the Silver cast out, and not be altered after it is delivered to the Melter, which is after the Assay-Master hath made Trial of it. *The Clerk of the Irons*, who seeth that the Irons be clean, and fit to work with. *The Graver*, who graveth the Stamps for the Money. *The Melters*, that melt the Bullion before it comes to the Coining. *The Blanchers*, who do anneal, boil and cleanse the Money. *The Porters*, who keep the Gate of the Mint. *The Provost of the Mint*, who is to provide for all the Moniers, and to over-see them. Lastly, *The Moniers*, who are some to shear the Money, some to forge it, others to bear it broad; some to round it, and some to stamp or coin it. Their Wages are uncertain, according to the Weight of Money coined by them.

**Minure**, To let Blood. *Minutio*, Blood-letting. This was a common old Practice among the Regulars, and the Secular Priests or Canons, who were the most confined and sedentary Men. In the Register of Statutes and Customs belonging to the Cathedral Church of St. Paul's in London, collected by Ralph Baldock, Dean about the Year 1300. there is one express Chapter De Minutione. *Minuendi licentiam petant Residentes a Decano— debent notificare minutiones suas illis qui tabulam scribunt— post petitam licentiam minuendi ad locum opportunum extra civitatem se transferre licitum est, ut observent minutionem in aere gratiori sanitatis causa.*— MS.

**Minute Tithes**, *Minuta sive minores Decima*, Small Tithes, such as usually belong to the Vicar, as of Wool, Lambs, Pigs, Butter, Cheese, Herbs, Seeds, Eggs, Honey, Wax, &c. See 2 par. Inst. fol. 649. and Udal and Tindal's Case, Hill. 22 Jac. Where the Tithe of Wood was adjudged *Minuta Decima*. Cro. Rep. fol. 21. See Tithes.

**Miracula**, A superstitious Sport or Play, practised by the popish Clergy for Gain and Deceit: Prohibited by Bishop Grossthead in the Diocese of Lincoln. *Faciunt etiam, ut audivimus, Clerici ludos quos vocant Miracula, & alios ludos quos vocant Inductionem Maii.*— *Miracula etiam & ludos supra nominatos & scotales omnino exterminatis*— Rob. Grossthead, Episcopi Line. Epistola apud Append. ad Fasciculum, pag. 382.

**Mirgus for Mergus**, A Water-Spaniel, or Diver. *Fecit duos veteres, scilicet, Mirgos suspendi.* Mar. Paris. Anno 1214.

**Mis**: This Syllable added to another Word, signifies some Fault or Defect; as, *Misprison*, *Misdicere*, i. e. to scandalize any one; *Misdocere*, i. e. to teach amiss. *Si Presbyter populum suum misdocerat.*

**Misa**, A Compact or Agreement, a Form of Peace or Compromise. *Quousque pax inter Dominum Regem & Barones apud Lewes per formam cujusdam Misæ prælucuta compleretur.*— Pat. 48 H. 3. in Brady's Hist. Engl. Append. pag. 238.

**Misadventure** or **Misadventure**, *Infortunium*, Has in Law a special Signification for the Killing of a Man, partly by Negligence, and partly by Chance. As if one thinking no Harm, carelessly throws a Stone, or shooteth an Arrow, &c. wherewith he killeth another: In this Case he commits not Felony, but only loseth his Goods, and hath Pardon of Course for his Life. *Staunder.*  
Pl.

*Pl. Cor. lib. 1. cap. 8: Britton, cap. 7.* distinguisheth between *Aventure* and *Misaventure*: *Aventure* he maketh to be meer Chance; as if a Man being upon or near the Water, be taken with some sudden Sicknes, and so fall in and is drowned, or into the Fire, and be burned to death. *Misadventure* he maketh, where a Man cometh to his Death by some untoward Violence, as the Fall of a Tree, or of a Gate, the Running of a Cart-wheel, the Stroke of a Horse, or such like: So that *Misaventure* in *Staundford's* Opinion is construed somewhat more largely than *Britton* understandeth it. *West. Symbol. part 2. Tit. Inditement. Sect. 48.* makes *Homicide casual*, to be merely casual or mixt. *Homicide* by meer Chance he defineth *Sect. 49.* to be, when a Man is slain by meer Fortune, against the Mind of the Killer; as if one hewing, the Ax fliech off the Haft, and killeth a Man, and this is all one with *Britton's Misaventure*; *Homicide by chance mixed* he defineth *Sect. 50.* to be, when the Killer's Ignorance or Negligence is joined with the Chance; as if a Man lop Trees by the Highway-side, by which many usually travel, and cast down a Bough, not giving Warning, &c. by which a Man passing by is slain.

*Misbota* for *Mærbota*. In *Leg. Canuti, cap. 2.*

*Mischinus, i. e.* a Youth or young Man: 'Tis mentioned in the *Mon. Angl. 1 Tom. p. 74. Ex dono Alani de Percy le meschin*; and in *2 Tom. p. 86. Willielmus Pecorellus le mechin*.

*Miscognisant*, Ignorant, or not knowing. In the *Stat. 32 H. 8. cap. 9.* against *Champerly* and Maintenance, It is Ordained, That the Justices of Assise shall twice every Year, in every County, cause open Proclamation to be made of this present Act, to the Intent no Person should be ignorant or miscognisant of the Dangers and Penalties therein contained.

*Miscontinuance*, *Kitchin, fol. 231.* Is the same with *Discontinuance*. See *Discontinuance*.

*Mise*, *Misa*, Is a French Word, signifying as much as *Expensum* in Latin, and the Latin Word *Misa* is used in *Kitchin, fol. 144.* and *West. Symbol. part 2. Tit. Proceedings in Chancery. Sect. 21.* This Word has divers Significations, as first, it is a Gift or customary Present which the People of Wales give to every new King or Prince of Wales, at their Entrance into that Principality. It was formerly given in Cattel, but when that Dominion was annexed to the English Crown, the Gift was changed into Money, and that is now 5000*l.* or more, which happened to be thrice paid in King James his Reign. First at his own Coming to the Crown, and that Principality. Secondly, When Prince Henry was created Prince of Wales. And thirdly, When King Charles the First succeeded him in that Principality. *Mise etiam dicuntur prestationes illa quas ob fruendas pristinas immunitates Cestria Palatinatus subditi novo cuoque Comiti impendunt*, that is, 3000 Marks for that County. And at Chester they have a *Mise-Book*, wherein every Town and Village in the County is rated what to pay towards the *Mise*. By *27 H. 8.* It is ordained, That Lord-Mayors shall have all such *Mises* and Profits of their Lands as they have had in Times past, &c. See *2 & 3 E. 6. 36. 33 H. 8. 13. 4 & 5 P. & M. cap. 11.* Sometimes *Mises* are taken for Taxes or Taillages. Anno *25 E. 1. 5.* Sometimes for Costs and Expences, as *pro misis & custagiis*, for Costs and Charge, ordinarily used in the Entries of Judgments in personal Actions.

*Mise* is also *vocabulum artis*, appropriated to a *Writ of Right* so called, because both Parties have put themselves upon the meer Right to be tried by the *Grand Assise*, or by *Battel*. So as that which in all other Actions is called an *Issue*, in a *Writ of Right* is called a *Mise*, unless a collateral Point be tried, and there it is called an *Issue*. *Co. on Lit. fol. 294. Lit. fol. 102.* and *Old Nat. Brev. fol. 2. 37 E. 3. 16.* To join the *Mise* upon the *Meer*, is as much as to say, to join the *Mise* upon the clear Right; and that in more plain Terms, is nothing else but to join upon this Point, whether hath the more Right, the Tenant or Demandant. *Lit. lib. 3. cap. 8. fol. 101.* This Word is also sometimes used for a Participle, signifying as much as *cast out* or *put upon*. *Co. 6. Rep. fol. 124. Saffin's Case.* And sometimes corruptly for *Mease*, a Messuage or Tenement, as a *Mise-place* in some Manors is taken to be such a Messuage or Tenement as answers the Lord a Heriot at the Death of its Owner, *2 Inst. fol. 285.* which in our Law French is written *Mees*. *Ceste Endenture temoigne que come Will. Terrye de Dounham tiegne de Johan. de Veeer Coonte d'Oxenford un Mees & sjs acres de terre, &c. Dat. 14 Ed. 3. penes Wil. Andrew, Baronet.*

*Miselli, i. e.* Leprous Persons. In *Matt. Paris. Anno 1254. Ecclesia Sancti Juliani ubi Miselli, & Ecclesia Sancte Marie in pratis ubi Miselliz vix habent vite necessaria.*

*Mise-money*, Money given by way of Contract or Composition to purchase any Library, &c. — *Custumarii infra honorem de Clun Com. Salop, Domino hereditatem ineunti solvunt certam pecunie summam qua vocatur Mise-money, ut quieti sint de finibus & amerciamentis.* *Mr. Blount of Tenures. p. 162.*

*Miserabatio*, An unjust Accusation.

*Miserere* Is the Name, and first Word of the *51 Psalm*, being most commonly that which the Ordinary gives to such guilty Malefactors as have the Benefit of Clergy allowed them by the Law, and is usually called the *Psalm of Mercy*.

*Misericordia* Is in Law used for an Arbitrary Amerciament imposed on any for an Offence; for where the Plaintiff or Defendant in any Action is amerced, the Entry is *ideo in Misericordia*. *Bracton, lib. 4. tract. 5. cap. 6.* hath these Words, *Item si quis in Misericordiam incidit pro disseisina, non remanebit misericordia exigenda si ille qui amiserit, quaesiverit convictionem.* *Kitchin, fol. 78.* out of *Glanvil*, saith thus, *Est autem misericordia Domini Regis qua quis per juramentum legalium hominum de vicineto eatenus amerciandus est ne aliquid de suo honorabili contentamento amittat.* See *Glanvile, lib. 9. cap. 11.* *Fitzberbert* says in his *Nat. Brev. fol. 75.* That it is called *Misericordia*, because it ought to be very moderate, and rather less than the Offence; according to the Tenor of *Magna Charta, c. 14.* Therefore if a Man be unreasonably amerced in a Court not of Record, as in a *Court-Baron, &c.* there is a *Writ* called *Moderata Misericordia*, directed to the Lord, or his Bailiff, commanding them that they take moderate Amerciaments, according to the Quality of the Fault. Sometimes *Misericordia* is to be quit and discharged of all manner of Amerciaments that a Man may fall into in the Forest. See *Crompt. Jur. f. 196.* Vide *Amerciament, Mer y, and Moderata misericordia.* He shall be in the great Mercy of the King. *Welm. 1. cap. 15.*

**Misericordia in cibis & potu**, Exceedings, or Over-commons, or any gratuitous Portion of Meat and Drink given to the Religious above their ordinary Allowance. — *Hic quoque procuravit ut detestabiles ingurgitationes misericordiarum (in quibus profecto non erat misericordia) prohiberentur.* Mat. Par. Vit. Abb. S. Albani, pag. 71. In some Convents they had a stated Allowance of these Over-commons upon Extraordinary Days, which were called *Misericordia Regulares*, as — *In minutionibus vero & misericordiis regularibus duo & duo unam justam de cellario tam ad prandium quam ad coenam.* — Monast. Angl. Tom. 1. pag. 149. b.

**Misericordia Communis** Is when a Fine is set on the whole County or Hundred. *Mon. Angl. 1 Tom. pag. 976: Ac de murdro ac de communi Misericordia quando contigerit, videlicet, Comitatus & Hundredi, coram nobis vel aliquibus Justiciariis nostris, &c.*

**Misereventure, i. e.** To succeed ill; as, where a Man is accused of a Crime, and fails in his Defence or Purgation. *Et si compellatio fit & in emendando miserevent, fit in Episcopi potestas.* Lex Canut. 78. apud Brompton.

**Misfeasance**, Misdeeds or Trespases. — *Fury to enquire of all Purprestures and Misfeasance.* Cro. Car. f. 498. and *Misfeasor*, a Trespasser. Co. 2. Inst. f. 200.

**Misfhering**. *Est de estre quit de amerciemenz pur quezeles en aucun Courts devant qui que il seyt, nent ordinament ou proprement demonstre.* MS. LL. Temp. E. 2. See *Abisfhering* and *Miskering*.

**Miskennag**, (*Meskenninga*, from *Mis*, and Sax. *Cennan*, citare, LL. Hen. 1. cap. 12.) Iniqua vel injusta in jus vocatio; inconstanter loqui in Curia, vel invariare. *Renovamus etiam & confirmamus Privilegia antiquorum Regum, atque ob reverentiam Domine nostre perpetue Virginis Marie Sanctique Benedicti, Sanctarumque Virginum, omnibusque futuris ibidem Abbatibus in tota possessione Monasterii, Sacham & Socham Thelonemque suum in terra & in aqua concedo, & Consuetudines, ut ab omnibus apertius & plenius intelligantur, Anglice scriptas, scilicet, Mundbriche, Feardwite, Fitwite, Blodewite, Miskeninge, Frithfoke, Hamsockne, Forstall, Forphange, Theifphange, Hangwite, Frithbriche, Utlepe, Infongenthesse, Supbriche, Tol & Tem, aliasque omnes leges & Consuetudines que ad me pertinent, tam plene & tam libere, sicut eas in manu mea habebam.* Confirm. Foundationis Monast. de Ramsey per S. Edw. Conf. Mon. Angl. 1 par. fol. 237. *Et in Civitate in nullo placito Miskennagium.* — Charta H. 2. Civibus London. See *Folcmote*.

**Miskering**. *Hoc est quietus esse pro querelis coram quibuscunque in transumptione probata.* MS. LL. Rob. Cor. p. 262. See *Misfhering*.

**Misnomer**. Compounded of the French *Mes*, which, in Composition, always signifies *amiss*, and *nomer*, i. nominare, it signifies the using of one Name for another, or Misferring. See *Broke*, Tit. *Misnomer*.

**Misprison**, *Mispriso*, Cometh of the French *Mespris*, contemptus, and signifies in our Law, Neglect or Oversight. As for Example, *Misprison of Treason or Felony*, is a Neglect or light Account shewed of Treason or Felony committed, by not revealing it, when we know it to be committed. *Staudf. Pl. Cor. lib. 1. cap. 19.* Or by letting any Person committed for Treason or Felony, or Suspicion of either, to go before he be indicted. *Misprison of Clerks*, 8 Hen. 6. 15. is a Neglect of

Clerks in writing, or keeping Records: By the *Misprison of Clerks* no Process shall be annulled or discontinued. 14 E. 3. cap. 6. Stat. 8. *Misprison of Treason* is the Concealment, or not disclosing of known Treason, for which the Offenders are to suffer Imprisonment during the King's Pleasure, lose their Goods, and the Profits of their Lands during their Lives. *Crompt. Justice of Peace*, cap. *Misprison of Felony*, fol. 40. *West. Symbol. part 2. Tit. Indictments*, sect. 63. in fine. *Misprison of Felony* is only finable by the Justices, before whom the Party is attainted. *Crompt. ibid.* The Justices of the Common Pleas have Power to assess *Fines* and *Amerciaments* upon Persons offending by *Misprisons*, Contempts or Neglects for not doing or minding any Thing in or concerning *Fines*. *West. Symbol. part 2. Tit. Fines*, Sect. 133. *Justices of Assize* shall amend the Defaults of Clerks *misprisoning* of a Syllable, or Letter, or Writing. *Crompt. Fur. f. 20.* But here we are to observe, That other Faults may be accounted *Misprisons of Treason or Felony*, because some later Statutes have inflicted that Punishment upon them, that of old were inflicted upon *Misprisons*, whereof you have an Example *Anno 14 El. cap. 3.* Of such as coin Foreign Coins, not current in this Realm, and of their Procurers, Aiders and Abettors. *Misprison* also signifies a Mistaking. 14 E. 3. Stat. 1. c. 6. Here note, That *Misprison* is included in every Treason or Felony; and where any Man hath committed Treason or Felony, the King may cause him to be indicted and arraigned of *Misprison* only, if he please. See more hercof. *Staudf. lib. 1. cap. 39. Vide etiam 3 Inst. fol. 36. & 139.*

**Missa Presbyter, i. e.** a Priest in Orders. **Missal**, *Missale*, Is a Book containing all Things to be daily said in the *Mass*, *Lindw. Provincial lib. 3. Tit. De Ecclesiis edificandis*, cap. 2. *Parochiani Ecclesiarum tenentur invenire rei divine suppellectilem, viz. Antiphonarium, Gradale, Psalterium, Missale, Manuale, &c.* See *Spelman's Glossary*.

**Missaticus**, A Messenger. — *Quando Missatici Regis veniebant ibi, (i. e. ad Dover) dabant pro caballo transducendo tres denarios in hyeme, & duos in estate.* Lib. *Domesday in Chenth.*

**Misses**. See *Mise*.

**Missura**, Singing the *Nunc Dimittis*, and performing the many other superstitious Ceremonies to recommend and dismiss a dying Person. In the Statutes of the Church of *Pauls* in *London*, collected by *Ralph Baldock*, Dean about the Year 1295. in the Chapter de *Frateria*, of the Fraternity or Brotherhood, who were obliged to a mutual Communication of all religious Offices, it is ordained — *Ut fiat commendatio & missura & sepultura omnibus Sociis coadunantibus & astantibus* — Liber Statut. Ecclesie Pauline, MS. Penes Joh. Episcopum Norwic. f. 25.

**Missurium**, *Missortum*, A Dish or Platter for serving up Meat to a Table; whence a *Messe* or Dish, or Portion of any Diet. — King *Ethelbert* gave to the Abbey of *St. Augustine* in *Canterbury* — *Missurium argenteum, scapton aureum, iterum sellam cum frano aureo & gemmis exornatam.* Chron. Tho. Thorn. p. 1762. & Mon. Angl. Tom. 1. pag. 24. *Sirmondus* is of Opinion, that from hence the Word *Messe* is derived; but *Vossius* tells us, 'tis quia dono mitti soleat a principibus.



**Mysterium** for **Ministerium**. *Mon. Angl.* 3 *Tom. pag.* 102.

**Mistrial**, A false or erroneous Trial. *Cro. Car. f.* 284. *Deloe's Case*.

**Misuser** Is an Abuse of Liberty or Benefit; as he shall make fine for his Misuser. *Old Nat. Brev. f.* 149.

**Mitred Abbots**, Those Governors of religious Houses, who had obtained from the See of Rome the Privilege of wearing the Mitre, Ring, Gloves, and Crozier of a Bishop. It has been a vulgar Error, that these *Mitred Abbots* were all the same with those conventual Prelates, who were summoned to Parliament, as Spiritual Lords; whereas some of those summoned to Parliament were not *Mitred*: And some of the *Mitred* were not summoned. The Summons to Parliament not any way depending on their *Mitres*, but upon receiving their Temporals from the King.

**Mitta** Was an ancient Saxon Measure, in use before the Conquest; its Quantity does not certainly appear; some hold it to be the same with *Corus*, others with *Modius*, and others, that it was *Mensura decem Modiorum*. In *Wich*, *salina redd.* 30 mittas salis. *Domesday*, *Tit. Wirec. scire.* *Ego Wulfrun, (uxor Anketelli.) Singulis annis vite mee ad Festum S. Benedicti, quod est in estate, decem mittas de brasto & quinque de gruto, & quinque mittas farina tritici & 8 pernas, & 16 caseos & duas vaccas pingues de terra mea Hicheling pro respectu annuo eidem Ecclesie, (Ramefienfi) procurari decerno.* *Lib. Ramef. Sect.* 38. *Præterea concessi eis septem Mittas Salis quolibet Anno percipiendas apud Wiz.* *Mon. Angl.* 2 *Par. f.* 262. b.

But *Mitta*, or *Mitcha*, was not only a Sort of Measure for Salt and Corn, but rather the Place where *Caltrons* were put to boil Salt. *Calderias quoque ad Sal conficiendum cum propriis sedibus, (i. e. the Places where they were put) que vulgo mitchæ vocantur.* In the *Monastic*. it seems to be a Measure, viz. *Dedi Canonici redditus 20 solidorum, &c. Et septem mittas salis, &c.* And in *Domesday*, viz. *Reddebat Vicecomes 2 mittas salis.* *Gale's Hist. Brit. fol.* 767.

**Mittendo manuscriptum pedis finis** Is a Writ Judicial, directed to the Treasurer and Chamberlains of the Exchequer, to search and transmit the Foot of a Fine acknowledged before *Justices in Eyre*, into the *Common Pleas*, &c. *Reg. Orig. f.* 14.

**Mittimus** Is a Writ by which Records are transferred from one Court to another: Sometimes immediately, as appears by the Statute, *5 R. 2. cap.* 15. As out of the King's Bench into the Exchequer, and sometimes by a *Certiorari* into the Chancery, and from thence by a *Mittimus* into another Court, as you may see in *28 H. 8. Dyer, fol.* 29. and *29 H. 8. Dyer, fol.* 32. This Word is also used for the Precept that is directed by a Justice of Peace to a Gaoler, for the receiving and safe keeping a Felon, or other Offender, by him committed to the Gaol. Of diverse other Uses and Applications of this Word, see *Reg. Orig.* in the Table.

**Mixt Tithes**, *Decima mixta*, Are those of Cheese, Milk, &c. and of the young of Beasts, *Co. 2. par. Inst. f.* 649. See *Tithe*.

**Mixtilio**, *Mestilo*, *Mixt-Corn*, *Mang-Corn*, *Massine*.—*Libera Eleemosynario nostro sex quartaria bladi mixtilionis inter pauperes Parochianos de Bolton Percy distribuenda*—*Anno* 1312. *Col-*

*lectanea Matth. Hutton, S. T. P. ex Registris Eccl. Eborac.*

**Mixtum**: This Word is often mentioned in our *Monkish* Historians; it sometimes signifies a Breakfast, but always a certain Quantity of Bread and Wine: *Qui missam majorem celebraverit duos, Lector vero & servitores unum duplum ad Mixtum recipiat.* *Du Cange.*

**Morkadder**, A Kind of Stuff made in England, and elsewhere, concerning which see *23 Eliz. cap.* 9.

**Moderata misericordia** Is a Writ for him that is amerced in a *Court-Baron*, or other, being not of Record, for any Transgression or Offence beyond the Quality of a Fault. It is directed to the Lord of the Court, or his Bailiff, commanding them to take a moderate Amerciament of the Party, and is founded upon *Magna Charta*, c. 14. *Quod nullus liber homo amercietur nisi secundum qualitatem delicti, &c.* The rest touching this Writ, see in *F. N. B. fol.* 75. See *Misericordia*.

**Modiatio** Was a certain Duty paid for every Tierce of Wine: *Concedo eis in perpetuam Eleemosynam tres masuras terre quietas de omni censu, consuetudine & alia re, excepta sola Modiatione mea de vino.* So in *Mon. Angl. Tom.* 2. p. 994. *Reddendo sine contradictione sex modios de Modiatione Waencio*; where the Word *Modius* signifies a liquid Measure of sixteen Quarts.

**Modius**; We take it usually to signify a Bushel, and it is a Measure, but various according to the Custom of several Countries, in some Places containing more, in some Places less.

**Modius tertæ vel agri**—*Sciendum est quod dedit Ilias pedum quatuor Modiorum agri circa se cum omni censu suo Ecclesie Landavia, &c.* 3 *Mon. fol.* 200. This word was much used in the ancient Charters of the British Kings, and probably contained the same Quantity of Ground as with the Romans, viz. 100 Foot long, and as many broad. *Modius Vini*, a Hogshead of Wine.

**Modius villæ**, *Donatio A Rthmail Regis Gwentie Landavenfi Ecclesie circa Annum* 896. *Largitus est, &c. Villam Lann-Mibargel Lichvis cum tertia parte prati*—*Et 4. Modios Villa stiflat.* *MS. Cod. Landaven. f.* 102. col. 2.

**Modo & forma** Are Words of Art in Process and Pleadings, and namely, in the Answer of the Defendant, whereby he denieth himself to have done the Thing laid to his Charge, *modo & forma declarata.* *Kitchin, f.* 232. It signifies as much as that Clause in the Civil Law, *Negat allegata, prout allegantur, esse vera.* Where *modo & forma* are of the Substance of the Issue, and were but Words of Course, see *Co. on Lit. f.* 281.

**Modus Decimandi** Is when either Land, a Sum of Money, or yearly Pension is given to the Parson, &c. by Composition, or Custom, as Satisfaction for his Tithes in Kind. See *2 Inst. fol.* 490.

**Moer**: It is a Danish Word, signifying a Virgin or Maiden; the People of Norfolk in some Measure retain the Word to this Day. The Occasion of their first using it was this; Norfolk (which among other English Counties, was given by King Alfred to the Danes, Anno 876.) was totally inhabited by them, and their Customs, Laws, and Speech there used. Now they call Virgins and young Maids *Moer*, and accordingly (as *Olaus Wormius* testifies, *Fest. Dan. lib.* 1. *cap.* 6.) they named such as were excellent Singers of the wor-  
thy

thy Deeds of their Heroes, *Scaldmoer*, id est, *Virgines cantatrices*; and those that by Valour won Reputation, *Scioldmoer*, that is, *Scutiferas Virgines*, by which Name they also signify the *Amazons*: But this, I confess, by the ignorant *Rusticks* is corrupted, they pronouncing instead of *Moer*, a Virgin, *Mother*, a Word well known to be of a different Nature.

*Moiety*, *Medietas*, Cometh of the French *Moitie*, i. *coqua vel media pars*, and signifies the Half of any Thing. *Lit. f. 125.*

*Molaria*. — *Et una Molaria, ubi molesodiunt.* *Domesday.*

*Molasses*, or *Melasses*, (*Ital. Melazzo*, i. e. *Sacchari spuma*.) Anno 12 Car. 2. cap. 25. signifies the Lees or refuse Syrup in the boiling of Sugar; with which (by the said Statute) Wine is prohibited to be mingled or adulterated.

*Molendinum* *Bladonicum*, A Corn-mill. Ancient Charters have it *Molendinum bladum* and *molendinum de blado*. So a *Fulling-mill* hath several Latin Appellations, as *Molendinum fullonicum*, *Molend. fullanicum*, *Molend. fullere*, *Molend. fullarium*, &c. A Wind-mill, *Molendinum ad ventum*, vel *ventriticum*. A Water-mill, *Molendinum aquaticum*. A Horse-mill, *Molendinum equitium*. A Grinding or Grist-mill, *Molendinum molare*. We read also for a Mill, *Molinum* and *Molinus*, *Domesday*, *Tit. Sudsex. Terra Comitum Rogeri*, num. 11. *Castrum Harundel. T. R. E. reddebat de quodam Molino 40s.* & *ibidem alibi T. R. E. reddebat Oxenford, Comitum vero Algaro 10 libras adjuncto molino quem infra civitatem habebat.*

*Molendum*, Corn sent to Mill, a Grist. —, *Solvent nomine decimarum molendini sex modios, alias sex fryk bladi prout molendum obvenit eidem molendino.* — *Chartular. Abbat. de Rading. MS. fol. 116.*

*Molitura*, *Mulitura*, *Multura*. It sometimes signified a Grist, or Sack of Corn brought to the Mill to be ground: But it was more commonly taken for the Toll or *Molture* paid for grinding. So *Wido de Meriton* in his Charter to the Knights *Templar*, for the Mill in *Merton Com. Oxon* — *Concesserunt mihi Fratres unam libertatem ad suum molendinum, scilicet, molendini segetem pro multura reddenda pro segete que est in tremuta, & meum brasum sine multura.* *Paroch. Antiq. p. 120.* *Molitura libera*, Free grinding, or Liberty of a Mill, without paying Toll, a Privilege which the Lord generally reserved to his own Family — *Salva mihi & heredibus meis molitura libera familie nostre queta in dicto molendino* — *ibid. pag. 236.* This Toll for grinding was sometime called *Molta*, *Fr. Moulte*.

*Molman*, According to *Spelman*, signifies the Servants of a Monastery. *Fideles Ecclesiarum Ministeriales*, *Prior Lewens. pag. 16.* Item *omnis Molman inveniet equum, si habuerit, ad portandum corrodium Prioris, &c.* And again, *pag. 21.* *Omnis Lanceta, omnis Toftman, & omnis Molman, (qui non sedet super Ogeland) debent spargere unam reiam de fiens, &c.*

*Molmaria*. *Et inveniet Macrenium, Molmaria & les Winding-yards pro reparatione dicti Molendini.* *Carta 16 H. 6.*

*Molmutan* or *Molmutin Laws*. The *Laws of Dunwallo Molmutius*, Sixteenth King of the *Britains*, (who began his Reign 444 Years before Christ) was famous in the Land, till *William the Conq. Usher's Primord. 126.* He was the first that published Laws in *Britany*, and these *Laws*

with those of *Queen Mercia*, were turned into Latin by *Gildas* out of the *British Tongue*.

*Holneda*, *Mulneda*, A Mill-Pool, or Pond *Gilbert Basset*, in his Foundation-Charter to the Priory of *Burcester*, gave *Quoddam pratunculum quod vocatur Hamma, quod extenditur de crosta Serice de Wrachmic per la Mulnedum usque illuc ubi novus rivulus ascendit in veterem rivulum, & ipsam mulnedam ad faciendum ibi molendinum.* *Parochial Antiquities, p. 135.*

*Molta*, i. e. the Duty or Toll paid to the Lord by his Vassals, to grind Corn at his Mills. *Concedo sancto Amando moltam suam & moltam similiter omnium Civium St. Amandi.* *Monastic. 2 Tom. p. 97.*

*Moltura*, the same with *Molta*.

*Mommyng*, Anno 1400. *Quidam milites in die Epiphania coram Rege basiliudis pacifica vocata le Mommyng, pacem tamen odientes, fecerunt publice proclamari, ut sic cum manu forti castrum irruentes, Regem incautum possent proditorie trucidare.* *Hist. Croyland. Contin. pag. 495.* Whence it appears that *Mommyng* was a Sort of Mock-fight, from the Teutonic *Mummen*, to mimic, or to act a ludicrous Part. This military Sport is now turned into the Diversions of Peace and Plenty at *Christmas*, when some Antick Fellows in Disguise go round the Neighbourhood to sing and dance, and get Money or good Cheer. These Mimicks are called *Mummers*, and their Acting is still called *Mummyng*, or *Mumming*.

*Moneta* Is used for Money in *Domesday*, viz. *Tit. Wirecestre Burgenfes plures habuit & pro 15 hidis se defendit quando Moneta vertebatur, (i. e. mutabatur) quisque monetarius dabat 20s. ad London pro cunctis moneta accipiendis.* See *Siclus*.

*Monetarium*, *Mintage*, the Right and Propriety of coining or minting Money.

*Money*, *Moneta*, *Pecunia*, Is that Metal, be it Gold or Silver, that receives an Authority by the Prince's *Impressa* to be current: For as Wax is not a Seal without Print, so Metal is not Money without Impression. *Co. on Lit. pag. 207.*

*Monetarium*, Was a certain Sum of Money paid every third Year by the Tenant to the Lord, that he should not change the Money which he had coined; for it was lawful formerly for great Men to coin Money, (but not of Silver or Gold) which was current in their Territories. This was abrogated by *Hen. 1. cap. 1. Monetarium commune quod capiebatur in civitatibus & comitatibus, quod non fuit tempore Edwardi Regis, hoc ne amodo fiat omnino defendo.*

*Monger* Seems to be a little Sea-Vessel which Fishermen use. *Anno 13 Eliz. cap. 11.* When the Word ends in *Monger*, as *Ironmonger*, *Woodmonger*, it signifies Merchant, from the Saxon *Manger*, *Mercator*.

*Moners*, or *Monerores*, *Monetarii*, Are Ministers of the Mint, which make and coin the King's Money. *Reg. Orig. fol. 262.* and 1 E. 6. 15 It appears in ancient Authors, That the Kings of England had Mints in several Counties of this Realm; and in the *Treatise* in the *Exchequer*, written by *Ockham*, I find, that whereas Sheriffs were usually obliged to pay into the King's Exchequer the King's Sterling Money, for such Debts as they were to answer; they of *Cumberland* and *Northumberland* were admitted to pay in any Sort of Money, so it were Silver: And the Reason is there given, because those two Shires *Monetarios de antiqua institutione non habent—quod Abbas*

*bas & monachi predicti habeant unum Monetarium & unum Cuneum apud Rading ad monetam ibidem, tam ad obolos & Sterlingos quam ad Sterlingos prout moris est fabricand. & faciend.* Memorand. Seacc. de Anno 20 Edw. 3. inter Record. de Trin. Rot. Of later Days the Title of *Monies* hath been given to Bankers, that is, such as make it their Trade to deal in *Monies* upon Returns.

**Monk**, From the Greek *Μοναχ*, *solus*, because the first *Monks* lived alone in the Wilderness, and not in Cities. In *Latin* they were called *Unales*, for the same Reason affirmed. They were divided into three Ranks: *Cœnobarum*, i. e. A Society living in Common under the Government of a single Person: These were under certain Rules, and were afterwards called *Regulars*. *Anachoretæ*, or *Eremitæ*, were those who lived in the Wilderness upon stale Bread and Water. St. Jerome tells us that of these, *Paulus fuit Auilor*, *Antonius illustrator*, *Johannes Baptista princeps*: But Scaliger was of Opinion, that *Paul* was the First. *Sarabaitæ* were Monks who lived under no Rule, but wandered in the World.

**Monks Cloth**, A certain Kind of coarse Cloth, mentioned 20 H. 6. 20.

**Monopoly** May not improperly be derived from the Greek *Μονο* *Solus*, and *πωλειν* *Vendo*, which signifies to sell alone, and so is a Privilege of the King (as some interpret it) by his Grant, Commission, or otherwise, to any Person or Persons, of or for the sole buying, selling, making, working, or using any Thing, whereby any Person or Persons are restrained of any Freedom or Liberty that they had before, declared against Law, by 21 Jac. c. 3. except in some particular Cases, concerning which see 3 Inst. fol. 181. All *Monopolies* against *Magna Charta*, &c. Co. 2 par. Inst. cap. 29. So then all Inclosing is a *Monopoly*, which is positively contradicted in *Morre's Rep.* fol. 675. *Darcy and Allen's Case*, because any Grant made by the King *pro bono Publico* is not a *Monopoly*. See *Grotius de jure belli & pacis* 233.

**Monster**, *Monstrum*, A *Monster* born within lawful Matrimony, that hath not human Shape, cannot purchase, much less detain any Thing; but if he have human Shape, he may be Heir, though he have some Deformity in any Part of his Body.

**Monstrans de droit** Is as much as to say, The shewing of Right; in a legal Sense it denotes a Writ issuing out of Chancery, for the Subject to be restored to Lands and Tenements, which he shews to be his Right, though by Office found to be in the Possession of another lately dead; by which Office the King is entituled to a Chattel, Freehold or Inheritance in the said Lands. And this *Monstrans de droit* is given by the Statutes 34 E. 3. cap. 14. and 36 E. 3. 13. See *Staund. Prærog.* cap. 21. and *Broke, Tit. Petition*, and Co. 4 Rep. fol. 54. *Case of the Wardens and Commonalty of Sadlers*.

**Monstrans de faits ou Records**, Shewing of Deeds or Records is thus, Upon an Action of Debt brought upon an Obligation, after the Plaintiff hath declared, he ought to shew his Obligation; and so it is of Records. And the Difference between *Monstrans de fait* and *Oyer de faits*, is this; He that pleads the Deed or Records, or declares upon it, ought to shew the same; and the other, against whom such Deed or Record is pleaded, may demand *Oyer* of the same.

**Monstraverunt** Is a Writ that lies for the Tenants in ancient *Demesne*, being distrained for the Payment of any Toll or Imposition, contrary to their Liberty which they do or should enjoy. See more in *F. N. B.* fol. 14.

**Monstrum** Is sometimes taken for the Box in which Relicks are kept. *Item unum Monstrum cum ossibus St. Petri, &c.* *Monast.* 3 Tom. pag. 173.

**Monstrum** Is also taken for what we call corruptly *mustering* Soldiers, viz. *Assignavimus vos, &c. ad arraiandum & triandum homines ad arma & ad Monstrum sive Monstrationem eorundem.* Du Cange.

**Month** or **Moneth**, *Mensis*, In Saxon *Monath*, is a Space of Time, containing by the Week 28 Days, by the Calendar sometimes 30, sometimes 31. See *Co. lib.* 6. fol. 61. and *Calendar-Month*. Some have derived it from *μήν*, *mensis*, and that from *μην*, *Luna*, but we suppose more truly from the German *Mon* or *Man*, one of their antique Deities and Kings, mentioned by *Tacitus*; *Ex hoc*, says the learned *Spelman*, *masulino* (ut *Hebrei*) *Lunam dicunt genere*, *Der Mon*, *dominamque ejus & amasiam e cujus aspectu alias languet, alias respicit*, *Die son quasi hunc Lunam, hanc solem.* *Hinc & Idolum Lune viri fingeant specie; non ut Versteigan opinatur, femina, ex quo & vestem miram ad genua vix dimissam.*

**Moors**, The Lord's Bailiffs in the Isle of Man, who summon the Courts for the several *Sheadings*, are called *Moors*, and every *Moor* has the like Office with our Bailiff of the Hundred. See *Mr. King's Description of the Isle of Man*.

**Moot**, *Mota*, *Curia*, *placitum*, *conventus*, From the Saxon *Gemote*, *conventus*, which may be deduced from the Saxon *Motian*, *placitare*. It is a Term well understood in the Inns of Court, to be that Exercise or Arguing of Cases, which young Students perform at appointed Times, the better to enable them for Practice and Defence of Clients Causes. The Place where *Moot-Cases* were argued, was anciently called a *Moot-Hall*. In the Inns of Courts there is a *Bailiff* or *Surveyor of the Moots* yearly chosen by the Bench, to appoint the *Mootmen* for the Inns of Chancery, and to keep Account of Performance of Exercises both there, and in the House. See *Orig. Judiciales*, fol. 212.

**Moota Canum**, A Pack of Dogs. — *Abbas Glaston. admissus est, a quo statim exegit Thesaurarius feodum Domini Regis, quod acciderat ei per mortem Abbatis, scil. Palefridum, Annulum & Mootam Canum* — *Et factus est ibi pro palefrido & Moota Canum novus finis viginti marcarum.* *Cartular. Abbat. Glaston.* MS. f. 1046. Vide *Muta*.

**Mouthouse-Court**, So the Hundred-Court of Bingham in Nottinghamshire is called, and the Place where it stands, *Mouthouse-Pit*. *Ant. Nor.* 71.

**Mootmen** Are those that argue Readers Cases (called also *Moot-Cases*) in the Houses of Chancery, both in Term-time, and also in Vacations. *Coke's Rep.* 3 par. in *Proœmio*.

**Moor**, A Moor, or more barren and unprofitable Ground than a Marsh. 1 Inst. fol. 5. a. 'Tis derived from the Saxon *Mor*, i. e. *Mons*. It signifies also *Marshland*. See *Morofus*. *Usque ad Moram*, i. e. *Mucosam & humidam planitiem.* *Monast.* 2 Tom. pag. 50, 52.

**Mora**, i. e. *Heath*. *Item de pannagio verbagio, &c. & de omnibus exitibus boscorum, Morarum, &c.* *Fleta*, lib. 2. cap. 71.

**Mozamuffa** — De quadam placea Moræ Mustæ & Vasti in Villa de — Mon. Angl. 2 part. 306. b. A watry or boggy Moor; for such in Lancashire they call *Mosses* to this Time. *Moressa* is also used in the same Sense. Mon. Ang. 3 part. 70. a.

**Mozatum**, A Sort of Drink formerly used here. *Singulis vasis vini*, Morati, &c. H. Huntingdon, l. 6.

**Mozatur**, or **Demozatur** in *Legs*, Signifies as much as *He demurs*; because the Party goes not forward in Pleading, but rests or abides upon the Judgment of the Court in this Point, who deliberate, and take Time to argue and advise thereupon. Whensoever the Counsel Learned of the Party is of Opinion, that the Count or Plea of the adverse Party is insufficient in Law, then he demurs or abides in Law, and refers the same to the Judgment of the Court. *Coke on Litt. fol. 71. b.* See *Demurrer*.

**Mozburnum**, *Morsby* in Cumberland.

**Mortum** Was a Sort of brown Cloth, mentioned by *Matt. Paris*, Anno 1258. with which they made Caps. *Venit enim Londinum cum 20 equitaturis, cujus familia collateralis 8 capis, viz. 5 clausis & 3 manicatis de optimo Moreto superbiuit redimita.*

**Morgangina**, From the Saxon *Morgen*, the Morning, and *Gifan*, to give, i. e. the Gift on the Wedding-Day. *Si sponsa virum suum superuixerit dotem & maritacionem suam, cartarum instrumentis, vel testium exhibitionibus ei traditam, perpetualliter habeat & Morganginam suam.* LL. Hen. 1. cap. 70. i. e. Her Dowry. In some Books 'tis writ *Morgangiba*. In *Leg. Canuti apud Brompton*, 'tis writ *Morgagifa*, cap. 99. In *Leg. Hen. 1. cap. 11 & 70.* 'tis *Morgangiva*. It signifies literally *Donum matutinale*; and it is what we now call *Dowry-Money*, or that Gift which the Husband presents to his Wife on the Wedding-Day, from the Saxon *Morgen*, *Aurora*, and *Givan*, *Dare*; and was usually the Fourth Part of his personal Estate; not here, but amongst the *Lombards*. *Du Cang.*

**Moziam** Is all one in Signification with the French *Morion*, i. *Cassis*, a Head-piece, and that seems to be derived from the Italian *Morione*. *Anno 4 & 5 P. & M. cap. 2.* now called a *Pot*.

**Mozidunum**, *Seaton* in Devonshire.

**Mozina**, *Murrein*, An infectious Distemper in Cattle. — *Carnifex qui vendit carnes porcinas contaminatas, vel carnes de Morina, vel emat carnes a Jud. is, & vendat Christianis, & super hoc conuictus, primo graviter amercietur, secundo patiatud judicium pillorii, tertio incarcerationetur, & redimatur, quarto abjuret villam.* *Consuetud. Domus de Farendon. MS. f. 43.* *Morina* also signifies the Wool of Sheep dead with the *Morin*. *Lana per se vendatur cum pellibus, Morina mortuarum, i. e. the Wool of sick Sheep, and of those dead with the Morin.* *Fleta, lib. 2. c. 79. par. 6.*

**Mozling**, alias **Mortling**. Is that Wool taken from the Skin of a dead Sheep, either dying of the Rot, or killed. 4 E. 4. 2 & 3. 27 H. 6. 2. This is written *Merkin*. 3 Fac. 18. *Morling* or *Shorling*. 3 E. 4. 1. and 14 Car. 2. 18. See *Shorling*.

**Mozosus**. See *Mora*. In viis & semitis per vallem quadam Morosam & aquosam. *Monast. 1 Tom. pag. 648.*

**Mozpeth**. See *Corstopitum*.

**Mozsellum terræ**, A small Parcel or Bit of Land. — *Et unum Mozsellum terræ juxta Horreum suum.* *Carta 11 H. 3. Par. fol. m. 33.*

**Mozsellus terræ**, A small Parcel of Land. *Matt. Paris. pag. 438* and *Mon. Angl. 2 Tom. pag. 82.*

**Mozsus**, A Sort of Button so called, which was used in the Priests Garments.

**Mortarium**, A Light or Taper set in Churches, to burn possibly over the Graves or Shrines of the Dead. — *Walterus tenet duas acras terræ & dimidiam ibidem de feudo de Bockland ad inveniendum unum mortarium ardentem in Ecclesia de Cheping. Faringdon.* — *Consuetud. Domus de Farendon. MS. f. 48.*

**Mort-dancestoz**. See *Affise of Mortdancestoz*.

**Mortgage**, *Mortgagium*, vel *mortuum vadum*, Is compounded of two French Words, viz. *Mort*, i. *Mors*, and *Gage*, i. *Pignus*: In Law it signifies a Pawn of Land or Tenement, or any Thing moveable, laid or bound for Money borrowed, to be the Creditor's for ever, if the Money be not paid at the Day agreed upon; and the Creditor holding Land or Tenement upon this Bargain, is called *Tenant in Mortgage*. Of this we read in the *Grand Customary of Normandy*, cap. 113. which see. *Glanville* likewise, lib. 10. cap. 6. defineth it thus; *Mortuum vadum dicitur illud, cujus fructus vel redditus interim percepti in nullo se acquiescant.* So you see it is called a *Dead Gage*, because whatsoever Profit it yieldeth, yet it redeemeth not it self by yielding such Profit, except the whole Sum borrowed be paid at the Day. See *Skene de verbor. signif. verbo Mortgage*. He that pledgeth this Pawn or Gage, is called *The Mortgager*, and he that taketh it, *The Mortgagee*. *West, Symb. part 2. Tit. Fines, sect. 145.* This, if it contain excessive Usury, is forbidden by 37 H. 8. cap. 9. But I rather think 'tis called *Mortgage*, because, if the Money is not paid at the Day, the Land *moritur* to the Debtor, and is forfeited to the Creditor.

**Morth**, Murder. Sax. *Morth*, Death. *Morthblaga*, a Murderer, or Man-slayer. *Morth-lage* Homicide, or Murder, &c.

**Mortitibus**, i. e. Dead of the Rot. *Præterea concessi eis, &c. Omnes pelles agnorum de omnibus maneriis meis, &c. tam de his quæ eduntur quam de Mortitibus.* *Monast. 2 Tom. pag. 114.*

**Mortmaine**, *Manus mortua*, Is compounded of two French Words, *Mort*, i. *mors*, & *maine*, i. *manus*: It signifies an Alienation of Lands and Tenements to any Guild, Corporation, or Fraternity, and their Successors, as Bishops, Parsons, Vicars, &c. which may not be done without the King's License, and the Lord of the Manor, or of the King alone, if it be immediately holden of him. The Reason of the Name may be deduced from hence, because the Services, and other Profits due, for such Lands as *Escheats*, &c. should not without such License, come into a *Dead Hand*, or into such a Hand as it were Dead, and so dedicated unto God, or pious Uses, as to be abstractedly different from other Lands, Tenements, or Hereditaments, and is never to revert to the Donor, or any temporal or common Use. *Magna Charta, cap. 36.* and 7 E. 1. commonly called *The Statute of Mortmaine*, and 18 E. 3. cap. 3. and 15 R. 2. cap. 5. *Polydore Virgil*, in the Seventeenth Book of his *Chronicles*, mentions this Law, and gives



gives this Reason of the Name, *Et Legem hanc manum mortuam vocarunt, quod res semel data collegiis sacerdotum, non utique rursus venderentur, velut mortui, hoc est, usui aliorum mortalium in perpetuum adepti essent. Lex diligenter servatur, sic ut nihil possessionum ordini sacerdotali a quoquam detur, nisi Regio permissu*: But the forementioned Statutes be in some Manner abridged by 39 *Eliz. cap. 5.* by which the Gift of Lands, &c. to Hospitals is permitted, without obtaining *Licenses in Mortmain*. *Hotoman*, in his Commentaries *De verbis feudali-bus*, verbo *Manus mortua*, hath these Words; *Manus mortua locatio est, que usurpatur de iis, quorum possessio (ut ita dicam) immortalis est, quia nunquam baredem habere desinunt: Qua de causa res nunquam ad priorem dominum revertitur, nam manus pro possessione dicitur, mortua per antiphrasin pro immortali, &c.* *Petrus Belluga in speculo principum*, fol. 76. *Fus amortizationis est licentia capiendi ad manum mortuam*: To the same Effect read *Cassan. de conquest. Burgund.* pag. 348, 387, 1183, 1185, 1201, &c. *Skene de verb. signif. laith*, *Dimittere terras ad manum mortuam est idem atque dimittere ad multitudinem sive universitatem, que nunquam moritur, idque per antiphrasin, seu a contrario sensu, because Commonalties never die.* The President and Governors for the Poor within the Cities of London and Westminster, may without License in Mortmain, purchase Lands, &c. not exceeding the yearly Value of 3000 Pounds, &c. by the Statute made 14 *Car. 2. cap. 6.*

*Mortrell*, A Mese of Milk and Bread. — *Cuilibet fratrum pauperum in Hospitali S. Crucis prope Winton. dabatur cotidie panis bonus de frumento ad pensam sive pondus quinque marcarum, & una Lageria cum dimidia mediocri cervisia, potagium sufficiens, tria sercula in prandio, viz. Mortrel confectum de Wasfell & lacte, unum serculum carniū, vel piscium; & unam pitantiam juxta exigentiam diei.* — Anno 1373. — *Ex Cartular. S. Crucis. MS. penes Hen. Worsley, Arniq.*

*Mortuary*, *Mortuarium*, rectius *Mortarium*, Is a Gift left by a Man at his Death to his Parish-Church, for the Recompence of his personal Tithes and Offerings not duly paid in his Lifetime. A Mortuary is not properly and originally due to an Ecclesiastical Incumbent from any, but those only of his own Parish, to whom he ministers spiritual Instruction, and hath Right to their Tithes. But by Custom in some Places of this Kingdom, they are paid to the Parsons of other Parishes, as the Corps passes through them. See the Statute 21 *H. 8. cap. 6.* before which Statute Mortuaries, were payable in Beasts; the Best to the Lord for a Heriot; the Second for a Mortuary. Nor was it only de meliori Averno, sed de meliori re. *Mortuarium* (says *Lindewode*) sic dictum est quia relinquitur Ecclesie pro anima defuncti. Custom did so prevail, that Mortuaries being held as due Debts, the Payment of them was enjoined as well by the Statute *De circumspicte agatis*, in 13 *E. 1.* as by several Constitutions, &c. A Mortuary was anciently called *Saulesceat*, which signifies *Peunia Sepulchralis*, or *Symbolum animæ*. After the Conquest it was called a *Cors-present*, (because the Beast was presented with the Body at the Funeral,) and sometimes a *Principal*. Of which, see a learned Discourse in the *Antiquities of Warwickshire*, fol. 679. And see *Selden's History of Tithes*, pag. 287. There is no Mortuary due by Law, but by Custom. 2 *Part. Inf.* fol. 491. See *Spel. de Concil. Tom. 2. fol. 390.* This is likewise proved out of *Fleta*, lib. 2. cap.

60. par. 30. *Item si Rector petat Mortuarium ubi dari consuevit. See Nonagium and Principal, and Pretium sepulchri.*

In the Irish Canons 'tis called *Pretium sepulchri*, and *Sedatium*, viz. *Omne Corpus sepultum habet in jure suo vaccam & equum & vestimentum & ornamenta lecti sui, &c.* Canon. Hibern. lib. 19. c. 6. And in another Place, *Rogat principem laici, i. e. the Bishop, ut Basilicam ejus foderit, &c. & reddat amicus pretium ejus & sedatium commune.*

The Word *Mortuarium* was sometimes used in a Civil, as well as an Ecclesiastical Sense, and was payable to the Lord of the Fee, as well as to the Priest of the Parish. — *Debentur Domino (i. e. manerii de Wrechwyke) nominibus herioti & mortuarii due vacca pret. xii sol. Paroch. Ant. p. 470.*

*Mosaick-work* Properly *Musaic-work*, *Opus Musivum*, *Pavimenta tessellata*, Pavements of curious little Pieces of Brick, or Tile, or Marble, about the Bigness and Form of Dice, with which the Romans generally paved the Place, where they fixt the *Prætorium* or General's Tent, of which several have been ploughed up in many Parts of England. *Fran. Junius* cites this Account of them from a Manuscript Saxon Glossary of *Lawrence Noel* — *Musaick-work*, which is a Kind of Ornament made in Picture with little square Stones like Dies of all Colours, set together with certain fine Cement upon a Wall or Floor, so that the Forms of Things be there-with portrayed and expressed as though they were painted. Also it is more durable than any Kind of Painting, by reason that neither by Weather, wearing, nor washing, the Colour can be taken away, which hath the Thickness of the little Dies wherewith this Work is made. Of this Kind of Work is little in England. However I have seen of it, especially upon Church-Floors before altars, as is to be seen before the High Altar at Westminster, although it be but gross. In Italy it is almost every where, and in most Churches to be met.

*Motus Troopers*, A rebellious Sort of Malefactors in the furthest Parts North of England, that live by Robbery and Spoil, not unlike the *Tories* in Ireland, or the *Banditi* in Italy, for whose Suppression were made the Statutes of 4 *Jac. 1. c. 1. 7 Jac. 1. c. 1. and 14 Car. 2. cap. 22.*

*Mot-bell*, The Bell so called, which was used by the English Saxons to call People together to the Court. *Debent statim pulsatis campanis quod Anglice vocat' Mot-Bell, convocare omnes & universos, quod Anglice dicunt Folcmote, i. e. vocatio & convocatio populorum.* Leg. Edw. Conf. cap. 35.

*Mote*, *Mota*, From the Saxon *Gemote*, *Curia*, *placitum*, *conventus*: As *Mota* de Hereford, i. *Curia vel placita Comitatus de Hereford*. In the Charter of *Maud* the Empress, Daughter of King Henry the First, we read thus; *Sciatis me fecisse Milonem de Glocest. Comitem de Hereford & dedisse ei motam Herefordiæ cum toto castello, &c.* Hence *Burgemote*, *curia vel conventus Burgi*; *Swaingemote*, *curia vel conventus ministrorum scil. Forestæ, &c.* From this also we draw our Word *Mote* or *Moot*, to plead. The Scots say, to Mute, as the Mute-Hill at Scone, i. *Mons placiti de Scone*: We commonly apply the Word *Moot* to that Arguing of Cases used by young Students in the Inns of Court and Chancery. In the Charter of Peace between King Stephen and Duke Henry, afterwards King, it is taken to signify a Fortrefs, as *Turris de London, & Mota de Windsor*. The Tower of London, and Fortrefs of Windsor, *Mote* also signifies a standing Pool or Water to keep Fish in, or a great Trench of Water encompassing a Castle, or other Dwelling-house. *Hæc Indentura* —

*dentura*—— *testatur, quod predictus Rogerus tradidit prefato Thomæ tria stagna & unam Motam Piscariam existen. infra manerium Domini de Yeffyn, Hab. predicta tria stagna & predictam Motam cum tota piscatione in eisdem & cum incremento piscium in eisdem cum libero ingressu & egressu, &c. Dat. 18 Feb. 11 Edw. 4.*

*Motibilis*, One who may be removed or displaced, or rather a Vagrant. *In Carcere detenti, Canonici, vel alii Religiosi, Motibiles, Furiosi, &c. Convenire non poterunt, i. e. In jure convenire non possunt. Fleta, lib. 6. cap. 6. par. 22.*

*Moteer*, A customary Service or Payment at the Mote or Court of the Lord.—— *Johannes Rex, &c. Sciatis nos clamasse quietum homines de Cornubia in perpetuum de quadam consuetudine vocata Moteer, statuente & firmiter precipiente quod nec in curia nostra, nec in curia alterutra, in partibus illis de cetero teneatur illa consuetudo.—— Teste, &c. Rot. Cart. 5 Joh. m. 9.*

*Motworth*, (the same as *Faldwurtb*) One who was of Age to be of the Decennary; from the Sax. *Mot*, *Conventus*, and *Weorth*, *Dignus*.

*Mounterium*, Anno 20 H. 3. *Placitum in curia Christianitatis coram Rogero Cov. & Litch. Episcopo de 21 Libris, 16 Solidis, 4 Denariis, uno pari decretalium, una sella, uno frano parca meno, uno mouterio, duobus loculis de serico, una zona serica predictorum Prioris & Vicarii, quæ non sunt de testamento vel matrimonio. Prynn, Collec. Tom. 3. S. 127.*

*Mowntee*, An Out-cry or Alarm to mount, and make some speedy Expedition.——

*Volumus insuper quod nullus cujuscunque conditionis, ratione gradus vel dignitatis existat, clamores vel turbationes facere audeat, quibus nos vel exercitum nostrum turbari contingat quovis modo, & specialiter illum clamorem quam Mowntee appellamus, vel alium alium clamorem irrationabilem.—— Statuta Hen. 5. Reg. Angl. tempore guerræ apud Nic. Uptonum de militari Officio. lib. 4.*

*Muchehunt*. *Habeant hi quatuor unam regalem potestatem (salva semper nobis nostra presentia) quaterque in anno Generales Foresta demonstrationes & viridis & veneris forisfactiones quas Muchehunt dicunt, &c. Vide Leg. de Foresta R. Canuti, cap. 11.*

*Muffulz*, Winter-Gloves made of Ram-skins. *In Leg. H. 1. cap. 70. they are called Musfuz, and sometimes Musfa.*

*Mulier*, As it is used in the Common Law, seems to be a Word corrupted, and used for *Melior*, or the French *Melieur*, and signifies the Lawful Issue (horn in Wedlock, though begotten before) preferred before an elder Brother born out of Matrimony, Anno 9 H. 6. 11. *Smith de Repub. Anglorum, lib. 3. cap. 6.* But by *Glanville, lib. 7. cap. 1. The lawful Issue* seems rather *Mulier* than *Melior*, because he is begotten e *Muliere*, and not e *Concubina*; for he calls such Issue *Filios mulieratos*, opposing them to Bastards; and *Britton, cap. 70. hatli frere mulier, i. the Brother begotten of the Wife, opposite to frere Bastard.* This appears to be used in Scotland also: For *Skene de verbor. signific. says, that Mulieratus filius* is a lawful Son, begotten of a lawful Wife. A Man hath a Son by a Woman before Marriage, that is a Bastard, and unlawful, and after he marries the Mother of the Bastard, and they have another Son; this second Son is called *Mulier*, that is to say, *Lawful*, and shall be Heir to his Father; but the other cannot be Heir to any Man,

because in Judgment of Law he is said to be *nullius filius*, or *filius populi*, according to the old Verbes.

*Cui pater est populus, pater est sibi nullus & omnis, Cui pater est populus, non habet ipse patrem.*

And you always find them distinguished with this Addition, *Bastard eigne* and *Mulier puisne*. See *Co. Lit. fol. 170 & 243.*

*Mulier* also was anciently used as an Addition; as, *Omnibus—— Domina Johanna de Foresta, Mulier, salutem. Noverit universitas vestra, quod, &c. Dat. 3 Regis Edw. Filii Edw. Ex Autographo penes Authorem.* By this it was doubted whether *Mulier* signified a Wife, or a Woman born in lawful Wedlock. But the following Deed clearly shews it the former, and is conformable to what Sir Edward Coke says, 2 *Inst. fol. 434. That, of ancient Time, Mulier was taken for a Wife, and sometimes for a Widow.*

*Elizabeth Grendon filia & hæres legitima Domini Hamonis Peshal mil. dum vixit, & Alicie uxoris sue filie quondam Roberti Harley & Johanne uxoris ejusdem Roberti, filii & heredis quondam Roberti Harley mil. & Margareta uxoris sue, pars appellans & attrix ex parte una, & Johanna Harley Mulier pars appellata & rea ex altera. Eadem Johanna Harley per Officiale Diocesis Middlesex. occasione frigiditatis sive impotentia naturalis Roberti mariti sui coeund. sive eam carnaliter cognoscend. mota, ab eodem Roberto separata fuit. Et nunc, ex supplicatione prefata Elizabetha Grendon hac separatio cassatur & annullatur, & matrimonium inter eos solidum & firmum fuisse declaratur per instrumentum publicum. Dat. Anno 1400. Ex MS. penes Will. Dugdale Arm.*

*Muliertie*, or *Mulerie*, (Coke on Litt. fol. 352. b.) The Being or Condition of a Mulier, or lawful Issue. *Fait a remembre que Osbart Parles engendra Reynald de Asseles en Bastardie; le quele Osbart enseffa le dit Regnald en Fee en tote son tenement de Asseles, a lui & a ses heires a tous jours; le quele Reynald engendra Simon de Asseles en Mulerie; le quele Simon engendra Aliue, Agnes & Margerie en Mulerie. MS. penes Will. Dugdale Arm.*

*Mulio de fimo*. A Heap of Cart-Dung to be spread upon Land.—— *In Berton parva quilibet custumarius—— cariahit de fimo de sterquilinio x muliones de fimo. Ex Cartular. S. Edmundi. MS. f. 110.*

*Mullones sæni*, Cocks or Ricks of Hay. *Sci-ant, quod ego Richardus de Harrecurt concessi Williel. de Sutton pro Homagio & servicio suo totam illam virgatam terræ—— in Sutton, una cum Messuagio, & pertin.—— dictus vero Willielmus & hæredes sui arabunt unum Selionem ad yvernagium & unum Selionem ad semen quadragesimale, & unum Selionem ad Wareham, & favelebunt per unum diem cum uno homine, & falcabunt cum uno homine per unum diem in Esfeia—— & invenient unum hominem ad levand. prata, & cariahit dicta prata cum una Careffa quousque cariaha sint plenarie in Curiam de Sutton, & invenient unum hominem ad faciendum Mullones sæni quousq; perficiantur & facient quatuor Prevarias autumpnales cum duobus hominibus, scil. tres ad cibum illorum proprium & quartum ad cibum Domini, & cariahit bladum per unum diem cum una Careffa, & invenient unum hominem per unum diem ad faciend. Meyas in Grangia. Hec omnia Servitia, &c. Hiis testibus*

*stibus Domino Henrico de Harrecurt, &c. Penes Tho. Wollascot Arm. — Ipse Robertus & omnes alii Custumarii domine liberam falcatam in prato vocato Gylberdsham sine prandio debent tornare, & inde fœnum levare, & muliones inde facere. Paroch. Antiq. p. 491. Hence in old English a Moul, now a Mow of Hay or Corn.*

*Multumarian Laws. See Laws.*

*Mulneda, A Place to build a Water-Mill. Et quoddam pratusculum, seu stagnum molendini usque ubi rivus descendit in veterem rivulum, & ipsam Mulnedam ad faciend. ibidem Molendinum. Mon. 2 Tom. pag. 284.*

*Multa or Multura Episcopi, Is derived from the Latin Word Multa, for that it was a Fine given to the King, that the Bishop might have Power to make his last Will and Testament, and to have the Probate of other Mens, and the granting Administrations. 2 Inst. f. 491.*

*Multiplication, Multiplicatio, Multiplying or Increasing: By a Statute made 5 H. 4. cap. 4. It is Ordained and Established, That none from henceforth shall use to multiply Gold or Silver, nor use the craft of Multiplication, and if any the same do, he shall incur the pain of Felony; and it was made, upon a Presumption that some Persons skilful in Chymistry, could multiply or augment those Metals. And Henry the Sixth granted Letters Patent to some Persons (who undertook to perform the same, and to find out the Philosopher's Stone,) to free them from the Penalty of the Statute. Rot. Pat. 34 Hen. 6. m. 13. Co. 3. Inst. fol. 74.*

*Multitude, Multitudo, Must, according to some Authors, consist of ten Persons, or more. But Co. on Lit. fol. 257. says, He never found it limited to any certain Number, but left to the Discretion of the Judges.*

*A Multo fortiori, Or a minori ad majus, Is an Argument often used by Littleton, and is framed thus. If it be so in a Feoffment passing a new Right, much more is it for the Restitution of an ancient Right, &c. Co. on Lit. fol. 253. and 260. a.*

*Multo, Multo, Molt, Muto, Butto, Mutons or rather Weathers, quia testiculis mutilati. Several ridiculous Derivations are given of this Word: I suppose the Original was British; for Molt in the present Irish Tongue signifies a Ram, a Male Weather, to which the Latin Multo is always restrained, and does not extend to the Female Sheep or Ewe. — In frauro sunt LII matres Oves, XXV multones, XII agni mares, & XIV agni feminales — And again — XXXII oves lactrices, III multones, XL oves otiosas; i. e. Thirty-two milch Ewes, three Rams or Weathers, Forty barren Ewes. Chartular. Glaston. MS. f. 39. De vaccis 69, de bovetis 17, de boviculis 10, de Multonibus 381, de Hurtis & muricis 207, de Hogris 121, de Agnis 100, de Porcis 33, de Hogettis 126, & de Porcellis 80, &c. Inventor. bonorum Priorat. de Tichfield, Anno 1420. Item omnes Custumarii de Bromyard forinscco debent falcare & levare de consuetudine de Overrum-peney annuatim & habebunt ab Episcopo unum Multonem pretii vii. d. Liber niger Episcopat. Heref.*

*Multones auri, Pieces of Gold Money impressed with an Agnus Dei, a Sheep or Lamb on the one Side, and from that Figure called Multones. This Coin was more common in France, and sometimes current in England, as appears by a Patent 33 Ed. 1. cited by the learned Spelman, though*

*he had not then considered the Meaning of it. — Rex tenetur Ottoni de Grandifono in decem millibus multonum auri.*

*Multura. See Molt. Dabunt Multuram ad vicefimum vasculum quando ad molendinum meum molere voluerint. Mon. Angl. 3 Tom 91.*

*Multure, (Molitura vel Multura) Signifies the Toll that the Miller takes for grinding Corn. Et totam sequelam Custumariorum meorum qui ad dictum molendinum bladum suum molent, ad sextum decimum vas, & braseum suum sine Multura. Mon. Angl. 2 Par. fol. 825. a. And if that will grynd at his Milne, to grend at xxiiii vessel. And for their Male nogot give Multer, &c. An Award, Dat. 28 H. 6.*

*Mulvillus Is a Fish caught in the North of England in Summer. 'Tis mentioned in Fleta, lib. 2. cap. 12. par. 12. Dedit Mulvellum, Butyrum, &c.*

*Mundbzech, A Compound of the Saxon Mund, i. tutela, defensio, and Brice, fractio, violatio; & Rex Ecclesiam, monasterium, burgum, hominem aliquem vel societatem, eorumve res aut pradia in suam suscepit protectionem, dicebatur hoc omne & ejusmodi quicquid in Regis esse mundio (in Saxon On Tynings munde,) cujus violatio etiam Mundbrice dicta est q. protectionis violatio, aut data pacis fractio, qua in Anglorum lege 5. libris plecebatur. Spelman's Gloss. verbo Mund. Some would have Mundbrech to signify an Infringment of Privileges; others would that it denotes Montis fracturam, because Mund also is mons. But of later Time it is expounded clausurarum fractio, for Mund signifies Clausurarum munitio, the Fencing of Lands, therefore Mundbrech must be the Breaking of those Fences, which in many Parts of England we call Mounds; and we say, when Lands are fenced in and hedged, that they are mounded.*

*Munde, i. e. Peace.*

*Mundebreche, i. e. a Breach of the Peace. Leg. H. 1. c. 37, 66.*

*Mundeburde, (Mundeburdum, from the Sax. Mund, i. c. Tutela, and Bord, or Borh, i. c. Fidejussor.) Defensionis vel patrocinii fidejussio & stipulatio, a Receiving into Favour and Protection. Pippinus, — Aquitania Rex — ut omnes res ad scriptum Monasterium sub vestro Mundeburdo, vel immunitatis tuitione receperimus. Preuves de l'Hist. des Countes de Guyenc, pag. 14.*

*Muniment-house, (Munimen.) In Cathedral and Collegiate Churches, Castles, Colleges, or such like, is a House or little Room of Strength purposely made for keeping the Seal, Evidences, Charters, &c. of such Church, College, &c. Such Evidences being called Muniments, corruptly Muniments, from Munio, to defend; because Inheritances and Possessions are defended by them. 3 Par. Inst. fol. 170.*

*Muniments, (Munimenta.) Mat. Paris. f. 311. Episcopus itaque cum Munimentorum inspectionem habere non potuit. Scripta, scilicet, authentica. Charta Donationum & Evidentiæ. See Muniments.*

*Munimins, (Munimentum) Are the Grants or Charters of Kings and Princes to Churches; so called because cum eis munimuntur against all those who would deprive them of those Privileges.*

*Munus Ecclesiasticum, i. e. the consecrated Bread, out of which a little Piece is taken for a Communicant. Insuper & omne Sacrificium quod nos dicimus Munus Ecclesiasticum, &c. Mon. 2 Tom. pag. 858.*

**Murage, Muragium,** Is a Toll or Tribute to be levied, for the Building or Repairing of publick Walls. *F. N. B. fol. 227.* It is due to either by Grant or Prescription. *Co. 2 par. Inst. fol. 222.* *Murage* seemeth also to be a Liberty granted to a Town by the King, for collecting Money towards the Walling of the same. *Anno 3 E. 1. cap. 30.*

**Murale,** the City-Wall. *Huntingd. lib. 8. pag. 392. Resonabant colles, resonabant urbis Muralia.*

**Muratic,** a Town or Borough surrounded with Walls. *Ego verb de castris & murationibus meis securitatem talem duci, &c. consilio sancta Ecclesia feci. Brompton in the Life of King Stephen.*

**Murder, (Murdrum)** From the Sax. *Morth*, which some will have to signify a violent Death; from whence the barbarous Lat. *Mordrum* and *Murdrum*. Sometimes the Saxons expressed it by *Morthdad*, and *Moribweorc*, a deadly Work; in French *Meurtre*, in Spanish *Muerte*, in English *Murder*: A Word in Use long before the Reign of *Canutus*; but I cannot find that the Sax. *Morth* signifies a violent Death, but generally *Mors*. Amongst us 'tis taken for a wilful and felonious Killing another upon premeditated Malice. *Bracton, lib. 3. tract. 2. cap. 15. num. 1. definieth it thus: Homicidium quod nullo presente, nullo audiente, nullo vidente clam perpetratur. Britton, cap. 6. is of the same Opinion, so is Fleta, lib. 1. cap. 30. adding besides, that it was not Murder, except it were proved the Party slain was English, and no Foreigner: But Staundf. Pl. Cor. lib. 1. cap. 2. says, The Law in this Point is altered by the Statute 14 E. 3. cap. 4. For now it is Murder, when a Man upon fore-thought Malice kills another, whether privately or publicly, English Man or Foreigner living under the King's Protection, and this premeditated Malice is Two-fold; 1. Express, when it may be evidently proved that there was Ill-will. 2. Implied, when one killeth another suddenly, having nothing to defend himself, as going over a stile, or such like. *Crompt. Just. of Peace, cap. Of Murder, fol. 19. Per parol de Murder en grants, le Grantee clama de aver amerement de Murderers. Broke, Tit. Quo Warrant. 2. But formerly it was taken only for a clandestine Killing; for amongst the Laws of H. 1. cap. 92. 'tis said, That Murdrvus homo antiquitus dicebatur cujus interfector nesciebatur ubicunque, vel quomodo-cunque esset inventus, nunc adjunctum est, licet sciatur quis Murdrum fecerit, homicidium per proditionem. So in Mat. Paris. Anno 1216. Arthurum nepotem propriis manibus per proditionem interfecit pessimo mortis genere quod Angli Murdrum appellant. But now 'tis a wilful Killing another ex malitia pre-cogitata.**

**Murengers** Are two ancient Officers in the City of *Chester*, being two of the principal Aldermen, yearly elected to see the Walls kept in good Repair; for the Maintaining whereof they receive several Tolls and Customs.

**Murilegus,** a Cat. *Knighton, lib. 3. fol. 253.*

**Murrena.** See *Morina*.

**Murozum operatio,** The Service of Work and Labour done by Inhabitants and adjoining Tenants in Building or Repairing the Walls of a City or Castle. From which Duty some were exempted by special Privilege. So King *Henry* the Second granted to the Tenants within the Honour of *Wallingford* — *Ut quieti sint de operationibus castellorum & murorum.* *Paroch. Antiquit. pag. 114.* When this personal Duty was commuted

into Money, the Tax so gathered, was called *Murage*.

**Muscul.** See *Mussula*.

**Musicians.** See *Minstrels*.

**Mussa, (Lat.)** a Moss or Marsh Ground. *Inter duram terram & humidam usque ad Mussam, & sic descendendo per Mussam illam usque ad rivum.* *Par. 12 Ed. 2. p. 1. 22.*

**Mussa,** A Place where Sedge grows; a Place over-run with Moss. *In terris cultis & incultis in bos o, in moris & Mussis.* *Mon. 1 Tom. pag. 426.*

**Mussa** for *Mussa*.

**Muster** Cometh of the French *Moustre*, i. specimen, exemplum, as *Faire moustre Generale de tout son armee*, is as much as *lustrare exercitum*. The Signification is well known to *Muster an Army*. So *mustred of Record*, 18 H. 6. cap. 19. is to be enrolled in the Number of the King's Soldiers. *Master of the King's Musters.* 2 Ed. 6. 2. See in *Master*.

**Muster-master General,** Anno 35 El. c. 4. See *Master of the King's Musters*.

**Muta Canum, (Fr. Meute de Chiens)** a Kennel of Hounds. The King at a Bishop or Abbot's Decease had six Things: 1. *Optimum equum sive Palfridum ipsius Episcopi cum sella & frano.* 2. *Unam Chlamydem sive Cloacam cum capella.* 3. *Unum Ciphum cum co-opertorio.* 4. *Unam pelvem cum lavatorio.* 5. *Unum Annulum aureum.* 6. *Necnon Mutam Canum qua ad Dom. Regem ratione prerogativa sua spectant & pertinent.* *Hill. 2. Ed. 2. in Stat. post mortem Episc. Bath. & Wellens. & Claus. 30 E. 1. m. 16.*

**Mutare,** To mew up Hawks, in the Time of their molting, or casting their Plumes. The Manor of *Broughton Com. Oxon.* in the Reign of *Edward II.* was held by *John Mauduit* — *per ser-jantiam mutandi unum bostricum Domini Regis, vel illum bostricum portandi ad aerium Domini Regis.* *Paroch. Antiq. 569.* Hence the *Muta Regia*, the Mews near *Charing-Cross* in *London*, now the King's Stables, formerly the Falconry, or Place for the King's Hawks.

**Mutatoarius, i. e.** Change of Apparel. *Justit eum arctiori carcere, Mutatoria autem sua ei non sub-straxit.* *Mat. Paris. Anno 1107.* So in *Gervase of Tilbury, Leioribus Rex mutatoris indutus ad men-sam accedit.*

**Mutatus accipiter,** A mewed Hawk.

*Nicholaus de Audelegh reddit ad scaccarium unum spervarium mutatum per quod tenet de Rege in capite Egmunton.* — Memorand. in *Scaccar. Term. Mich. 21 Ed. 1. by Sir John Maynard.*

**Mute, Mutus,** Speechless, dumb, or that refuses to speak; a Prisoner may stand *Mute* two manner of Ways, 1. When he stands *Mute*, without speaking of any Thing, and then it shall be enquired whether he stood *Mute* of Malice, or by the act of God; and if it be found that it was by the act of God, then the Judge of the Court ex Officio ought to enquire whether he be the same Person, and of all other Pleas, which he might have pleaded, if he had not stood *Mute*. 2. When he pleads, Not guilty, or doth not answer directly, or will not put himself upon the Enquest, to be tried by God and the Country. *Co. 2. par. Inst. cap. 12. 32 H. 8.* See *Paine fort & dure.* *Mute* also signifies a Kennel, or Cry of Hounds, as *Bailler la meute & rovi a un Cerse*, to follow after him with a full Cry. *Spelman.*

**Mulle.**



**Myllewell**, A Sort of Fish, perhaps the same with what now in Lancashire is called *Milwyn*, which *Spelman* renders *Greenfish*, but it was not strictly so, but another Sort of Cod or Salt-fish: For they are expressly distinguished in this Account — *Et in tribus copulis viridis Piscis, & in quindecim copulis de Myllewell minoris sortis, x sol. vi den. & in viginti Myllewell majoris sortis xii sol.* Paroch. Antiquit. p. 575.

**Mynchen**, *Mynecene*. Sax. *Mynecene*, A Nun or veiled Virgin. Hence our *Minnekin* and *Minneken Last*, to go mincing, &c.

**Mysterp**, *Mysterium*, *Vita modus*, A Trade or Occupation, derived from the French *Mestier*, i. ars, artificium.

## N.

**Nabulum**. *Merces nautica*. *Spelman*.

**Nacella**, a Skiff, or Boat. 'Tis mentioned in *Mat. Paris. viz. Transitum per Nacellas & alia vasa preparavit.*

**Nacka**, *Nacta*, A small Ship, a Yacht, a Transport Vessel. — *Tenet per servitutem de tenenda una corda in Nacka Domina Regina Anglia quum contigit eam transfretare.* Chartular. Abbat. Radines. MS. f. 51. b. — *Reddendo inde quantum pertinet ad quintam partem serjantie de Pudde-worth, scilicet, de tenenda una corda in Nacta Regine transfretando versus Pictaviam.* Ibid.

**Nam**, or **Namum**, (*Nanium*, from the Sax. *Niman*, *Capere*.) Signifies the Taking or Distraining another Man's moveable Goods; and is either lawful or unlawful. *Lawful Nam* is a reasonable Distress proportionable to the Value of the Thing distrained for: And this *Nam* was anciently called either *Vis* or *Mort*, Quick or Dead, according as it is made of dead or quick Chattels. *Lawful Nam* is so either by the Common Law, as when one takes another Man's Beasts *Damage Feasant* in his Ground; or by a Man's particular Fact, as by reason of some Contract made, that for Default of Payment of an Annuity it shall be lawful to distrain in such or such Lands, &c. *Horn's Mirror of Justices*, lib. 2. cap. De *Nam*. See *Witbernam*; *Non libebit Namium sumere vel vadimonium, nec averia sua imparchiare.* Mon. Angl. 2 Par. fol. 256. b. *Nemo Namium capiat in comitatu vel extra Comitatum, priusquam ter in Hundredo suo rectum sibi perquisierit.* LL. Canuti MS. c. 18. quod inscribitur de *Namiis capiendis*. *Quod si reddere noluerint (debitorcs) nec ad distracionem venire, tunc cives, quibus debita sua debent, capiant in Civitate, Namia sua, vel de comitatu in quo manet, qui debitu debet.* Char. H. 1. de Libertat. London. See *Vetitum Namium*.

**Namation**, (*Namatio*) A Distraining or Taking a Distress. In Scotland it used is for impounding. *Nemo veniens ad forum de Nottingham cum quadrigis & summagiis suis a Vespere diei Veneris usque ad Vesperem diei Sabbati Namerur nisi pro firma Regis* (*Carta H. 2. Burgenf. de Nott.*) i. e. shall not be distrained.

**Nanium vetitum** Is an unjust taking the Cattel of another, and driving them to an unlawful Place, pretending Damage done by them. In which Case the Owner of the Cattel may demand Satisfaction for the Injury, which is called *Placitum de Namio vetito*.

**Nannandum**. *Insuper obligavit eisdem Abbati & Conventui, nomine pignoris, totum Tenementum su-*

*um quod est in parochia S. Edwardi, Oxon. ad ingrediendum & Nannandum in eodem, &c.* Charta Rogeri Bonivalet Cordwanarii Oxon. ad Oshevenfes, in Reg. Cenob. Osney, f. 118. Probably from the French *Nantir*, to give or gain Seisin or Possession of.

**Naperie**, (*Anno 2 R. 2. c. 1.*) From the Italian *Napperia*, i. *linteamina domestica* we may call it *Linen Clothery*, or *Houshold Linen*.

**Narrator**, a Pleader or Serjeant at Law — *Et sciendum quod quidam Willielmus Lovel miles hic in Curia in presentia & audientia Jusfic. animo impetuoso dixit cuidam Ade de Flischam Narratori predicti Petri in Assisa predicta placitandi, &c.* Hill. 16 Ed. 3. in Scacc. Anciently *Serviens Narrator* was used for a Serjeant at Law. See *Serjeant*. So in *Fleta*, lib. 2. c. 37. *Et ulterius in Curia Regis pro aliquo narrare non audietur, nisi pro semetipso, si Narrator fuerit.*

**Nasse**, or **Nasse**, (*Anno 4 H. 7. cap. 21.*) Seems to have been the Name of the Port at Orford in Suffolk. From the Saxon *Næse*, *Promontorium*.

**Natale**, i. e. the State and Condition of a Man. *Si quis de homicidio accusetur, & idem se purgare velit secundum Natale suum.* Leg. Hen. 1. cap. 64.

**Nathwyte**. *Quod nec diffus Philippus de Avery, nec heredes sui de catero petere possint aliqua tallagia, nec etiam francum plegium, nec etiam aliam demandam, que vocatur Nathwyte: Charta 55 Hen. 3. m. 6.* Perhaps from the Sax. *Nath*, i. e. *Lewdness*; and so it might signify the same with *Lair-wite*.

**Nativi tenentes**. *Sunt (ipsi etiam liberi) qui terram tenent Nativam; hoc est, Nativorum servitiis obnoxiam.* *Spelm.*

**Nativi de Stipite**. *J. C. Nativus de Stipite quondam tenuit in villenagio ut de Stipite unum Mes-suagium in Rillaton, &c. Survey of the Dutchy of Cornwall;* where there is also Mention of *Nativi Conventionarii*. The first were Villains or Bondmen by Birth or Stock: The other by Contract or Covenant. *Servi enim alii natura, alii facti & alii emptione, alii redemptione, alii sua vel alterius datione.* LL. Hen. 1. cap. 76. And in Cornwall it was a Custom, that if a Freeman married *Nativam*, and brought her *ad liberum tenementum & liberum thorum*, and had two Daughters, one of them was free, and the other a Villain. *Bracton*, lib. 4. cap. 21, 22.

**Nativitas**, i. e. *Servitude*. *Si nativi regent Domino Nativitatem suam, sive Bondagium.* The Word is often mentioned in the Laws of William the First.

**Nativity**, *Nativitas*, Birth: Casting the *Nativity*, or by Calculation, seeking to know how long the Queen should live, &c. made Felony, 23 El. 2. *Nativitas* was anciently taken for Bondage or Villenage, *Terram quam nativi sui tenuerant de se in nativitate.* Mon. Ang. 2. par. f. 643.

**Natio**, A Native Place. The Jurors of the Borough of *Wallingford*, return upon Oath — *Quod nullus de Natione ipsius Burgi pro quocunque facto quod fecerit, debet suspendi, &c.* Paroch. Antiquit. p. 258.

**Natium habendo** Was a Writ that lay to the Sheriff, for a Lord, whose Villain claimed for his Inheritance, run from him, for the Apprehending and Restoring him to his Lord again. *Reg. Orig. fol. 87. F. N. B. fol. 77.* See the Character of Richard the Second, by which he manumitted

red

ted all in the County of Hertford. Walsingham, pag. 254.

**Nativus**, He that is born a Servant, and so differs from him that suffers himself to be sold, of which Servants there are three Sorts, *Bondmen*, *Natives*, and *Villeins*; *Bondmen* were those who bound themselves by Covenants to serve, and took their Name from the word *Bond*; *Natives* we spoke of just before; and *Villains* were such who belonging to the Land, tilled the Lord's Demesnes, nor might depart thence without the Lord's License. *Spelman's Gloss. Vide Chart. R. 2. qua omnes manumittit a bondagio in Com. Hertf. Walsingham, pag. 254. Quid si aliquis Nativus alicujus in prefato Burgo manserit, & terram in eo tenuerit, & fuerit in predicta Gilda & Hansa & Loth & Scoth cum eisdem Burgenfibus nostris per unum annum & unum diem sine calumpnia, deinceps non possit repeti a Domino suo, ut in eodem Burgo liber permanent. Carta H. 3. Burgenfibus Mungumery.*

**Naturæ Pudenda**, Privities. — *Pensandum autem est, per visum accusantibus visum concubitus propensius advertendum, ut, scilicet ipsas coeuntium naturas viderint commiseri. Leges Hen. 1 cap. 83.*

**Naturalization**, *Naturalizatio*, Is when an Alien born, is made the King's natural Subject. See *Denizen*. And this saith *Spelman*, *Regio diplomate & Senatusconsulto expetendum est. Potest autem virtute Regii Diplomatis denizationem, hoc est, Municipium consequi, quo prædia comparet, possideat, disponat, muniaque omnia subeat uti naturalis indigena; hereditarie tamen nil adeat simplici hoc nomine: Sed Naturalizationis pallio indutus omnem adipiscitur plenitudinem.*

**Navigium** Was that Duty which was incumbent on the Tenant, to carry his Lord's Goods in a Ship: *Liberi sint ab omni Caragio, Navagio, &c. Mon. 1 Tom. 922.*

**Navis**, **Navicula**, A small Dish to hold the Frankincense, before it was put into the *Thuribulum*, Censer, or smoking Pot. — *Inter Ecclesie ornamenta — Turibulum cum navi. Pavo b. Antiquit. pag. 598.* It seems so called from the Shape, resembling a Boat or little Ship, as a *Cogue* of Brandy for the like Reason. We have seen several of these Boat-cups in Silver, Earth, &c.

**Navis Ecclesie**, The Nave or Body of the Church, as distinguished from the Quire, and Wings, or Isles. It is that Part of the Church, where the Common People sit, which being the longest Part is so called: *Quod camera ejus veluti Navium carina est. Du Cange.*

**Nayvitas**, The same with *Nativitas*: *Liberatus fuit a Nayvitate cum tota sequel. Fleta, lib. 5. c. 5. par. 39.*

**Næ admittas** Is a Writ that lieth for the Plaintiff in a *Quare Impedit*, or him that hath an Action of *Darrein Presentment* depending in the Common Bench, and feareth that the Bishop will admit the Clerk of the Defendant, during the Suit between them; which Writ must be sued within six Months after the Avoidance, because after six Months the Bishop may present by *Lapse*. *Reg. Orig. f. 31. F. N. B. f. 37.*

**Neatland**, *Terra Villanorum*, Land let or granted out to the Yeomanry. *Ex vet. Charta.*

**Negative pregnant**, *Negativa pregnant*, Is a Negative implying also an Affirmative: As if a Man being impleaded to have done a Thing on such a

Day, or in such a Place, denieth that he did it *modo & forma declarata*, which implieth nevertheless, that in some sort he did it: Or if a Man be said to have alienated Land in Fee, and he saith, he hath not aliened in Fee, this is a *Negative pregnant*; for though it be true that he hath not aliened in Fee, yet it may be, he hath made an Estate in Tail. *Dyer, fol. 17. num. 95. And Brook hoc titulo, and Kitchen, fol. 232. and the Terms of the Law.* We read also in some Civilians of *Affirmativa pregnant*, and that is, *qua habet in se inclusivam negativam, & hoc importare videntur distinctiones (solum & tantum) quæ implicant negativam.* *Pacianus de probationibus, lib. 1. cap. 31. num. 16. fol. 93.*

**Næggildare**, To claim Kindred. — *non cogitur liber cum servo næggildare, nisi velit ei factionem facere, nec servus cum libero. Leges Hen. 1. cap. 70.* The Laws of King Ina, Sect. 7, 8. thus expound the Word: *Non cogatur liber cum servo cognitionem solvere, nisi velit eum factione liberare.*

**Næife**, **Nativa**, From the French *Naif*, *naturalis*, Is a Bond-woman. *Anno 1 E. 6. 3. and 9 R. 2. cap. 2.* But if she marry a Freeman, she is thereby made Free; and if she be once Free, and clearly discharged of all Bondage, she cannot be *Næife* after, without some special Act done by her, as Divorce, or Confession in Court of Record; and that is in Favour of Liberty, and therefore a Free Woman shall not be bound by taking a Villain to her Husband; but their Issue shall be Villains as their Father was, which is contrary to the Civil Law, which says, *Partus sequitur ventrem.* See *Manumission. 9 R. 2. cap. 2.* See *Natives*. Anciently Lords of Manors sold, gave or assigned their Bondmen and Women, as appears by,

*Sciant quod ego Radulphus de Crombewel Miles Senior & Dominus de Lambeley dedi Domino Vicario de Dedeling Beatricem filiam Will. Harvey de Lawbeley quondam Nativam meam, cum tota sequela sua cum omnibus catallis suis perquisitis & perquirendis. Habend. & Tenend. predictam Beatricem cum tota sequela sua & omnibus catallis suis & omnibus rebus suis perquisitis & perquirendis predicto Domino Roberto vel suis assignatis libere, quiete, bene & in pace imperpetuum, &c. In cujus, &c. hiis testibus — Dat. apud Lambeley die Sancti Laurentii Martyris. Anno 13 E. 3. See Manumission.*

**Writ of Næifty** was a Writ whereby the Lord claimed such a Woman for his *Næife*, wherein but two *Næifs* could be put; but it is now quite out of Use.

**Næ inuisse veres** Is a Writ that lies for a Tenant, who is distrained by his Lord for other Services than he ought to make, and is a Prohibition to the Lord in it self, commanding him not to distrain. The special Use of it is, Where the Tenant has formerly prejudiced himself, by performing more Services, or paying more Rent without Constraint than he needed; for in this Case, by Reason of the Lord's Seisin, he cannot avoid him in *Avowry*, and therefore is driven to this Writ, as his next Remedy. *Reg. of Writs, fol. 4. Fitzb. Nat. Br. f. 10.*

**Næomagus**. See *Noviomagus*.

**Næophyte**, A Learner in any Thing, *Tyro*; we call such a one a *Novice*.

**Næsse**. (*Anno 4 H. 7. c. 21.*) See *Nasse*.

**Nætherly** upon *Esq.* See *Æsica*.

**De Directores**, Colore mandati Regis, quoniam amoveat a possessione Ecclesie minus iuste. *Reg. of Writs*, fol. 61.

**Nicol**, Anciently used for Lincoln, In *fasse Petitionum in Turri London*, 50 Ed. 1. 7 E. 1. & *sape alibi*.

**Niderling**, alias **Nidering**, alias **Nithing**, *Guliel. Malmes.* pag. 121. In the Life-time of William Rufus, hath these Words, *Anglos suos appellat (Rex) & jubet ut compatriotas advocent ad obsidionem venire, nisi si qui velint sub nomine nidering quod nequam sonat remanere; Angli qui nihil minus putarunt quam huiusce vocabuli dedecore aduri, cateruatim ad Regem confluant, & invincibilem exercitum faciant.* And *Mat. Paris*, in Anno 1088. p. 14. *Ut ad obsidionem veniant jubet, nisi velint sub nomine Nithing quod Latine nequam sonat recenseri, &c.*

**Nidus**, Neath in Glamorganshire.

**Nient** comprise Is an Exception taken to a Petition, as unjust, because the Thing desired is not contained in that Act or Deed whereon the Petition is grounded. For Example, One desireth of the Court to be put into Possession of a House, formerly among other Lands, &c. adjudged unto him: The adverse Party pleaderth, That this Petition is not to be granted, because though he had a Judgment for certain Lands and Houses, yet the House, into Possession whereof he desireth to be put, is not contained among those for which he hath Judgment. See the *New Book of Entries*, Titulo Nient comprise.

**Nient dedire**, (*Stat. 29 Car. 2. cap. —*) To suffer Judgment to be had against one by Nient dedire, i. e. by not denying or opposing it, by Default.

**Nisse**, (*Anno 3 Edw. 4. cap. 5.*) *Spelman* hath it without any Explication: I suppose it a Corruption from *nihil*, and to signify a Toy, or Thing of small Value: for we yet say, (in some Parts of England,) *Nittles and Triffles*. Others think it comes from the Fr. *Neuf*, novus, q. d. *Neufles*, or News.

**Nisser Liber** Is the Black Book in the Exchequer so called.

**Nihil**, or **Nichil**, Is a Word which the Sheriff answers, that is apposed concerning Debts illivable, and that are nothing Worth, by Reason of the Insufficiency of the Parties from whom they are due. 5 R. 2. Stat. 1. cap. 3. and 27 Eliz. cap. 3. *Accounts of Nihil shall be put out of the Exchequer.* 5 R. 2. cap. 13.

**Nihil capiat per Breve** Is the Judgment given against the Plaintiff, either in Bar of his Action, or in Abatement of his Writ. *C. on Littl.* fol. 363.

**Nihil dicit** Is a Failing to put in Answer to the Plea of the Plaintiff by the Day assigned, which if a Man omit, Judgment passeth against him of Course by *Nihil dicit*, that is, because he says nothing in his own Defence, why it should not.

**Nihil capiat per billam.** See *Nihil capiat per breve*.

**Nisi prius** Is a Writ Judicial, which lieth in Case where the Jury is impanelled, and returned before the Justices of the Bank, the one Party or the other requesting to have this Writ for the Ease of the Country, whereby the Sheriff is willed to cause the Enquest to come to *Westminster* at a certain Day, or before the Justices

in the same County at their Coming. See 14 E. 3. cap. 15. The Form of the Writ you have in the *Old Nat. Brev.* fol. 159. and in the *Register Judicial*, fol. 7 & 28 & 75. *New Book of Entries*, verbo *Nisi prius*. And it is called a Writ of *Nisi prius*, of these two Words, whereby the Sheriff is commanded to bring to *Westminster* the Men impanelled at a certain Day, or before the Justices of the next Assises, *Nisi die Luna apud talem locum prius venerint, &c.* And the Justices of *Nisi prius* must be one of them before whom the Cause is depending in the Bench. *F. N. B.* fol. 240. which he taketh from the *Statute of York*, Anno 12 E. 2. See *Westm.* 2. cap. 30. 13 E. 1. and 27 E. 1. cap. 4. 2 E. 3. cap. 17. and 4 E. 3. cap. 11. and 14 E. 3. cap. 16. 7 R. 2. cap. 7. and 18 Eliz. cap. 12.

**Nisus**, The lesser Hawk, or Sparrow-hawk. — In *nemove de Blidewrd habebant Archiepiscopus & Canonici Ebor. proprios Forestarios suos & mei & areas accipitrum & nisorum & pasnagium.* Cart. H. 3. Ex *Registro Joh. Romane Archiep.* Ebor. MS. fol. 91.

**Nivicolini Britones**, i. e. *Welshmen*, because they lived near high Mountains covered with Snow, especially in *Caermarthenshire*; they are so called in our Historians, *cum adversus Nivicolinos Britones Regia esset expeditio.* Du Cange.

**Nobilis**, A Noble, an ancient Kind of English Money now not in use; the Value thereof, in the Thirty-fourth Year of Edward the Third, being 1360. appears in the Letters of John King of France, upon the Treaty of Peace between the same two Kings, where Art. 13. you have these Words, — *Item accorde est que le Roy de France payera au Roy d'Angleterre trois millions d'escus d'or, dont les deux valent un Noble de la money d'Angleterre.* We at this Day value a Noble at six Shillings eight Pence, but have no peculiar Coin of that Name.

**Nobilitas**, Nobility, compriseth all Degrees of Dignity above a Knight, so that a Baron is the lowest Order thereof. *Smith, de Repub. Angl. lib. 1. cap. 17.* *Bartolus* in his *Tract. de Nobilitate*, lib. 12. defines it thus, *Nobilitas est qualitas illata, &c.*

**Noble**: The Rose Noble was a Gold Coin current in England about the Year 1344, as *Knighton* tells us, viz. Anno 1344. *Eodem tempore, Nobile & obolus, & Ferthing de auro ceperunt florere in regno, &c.*

**Nocata terræ** — *Qui tenuit dimidiam virgatam terræ vel Nocatam terræ vel Cottagium* — *Custumar. de Sutton Colfield.* See *Nook of Land*.

**Noctes & noctem de firma.** We often meet in *Domesday* with *Tot noctes de firma*, or *firma tot noctium*, which is to be understood of Entertainment for so many Nights. See *Domesday*, Tit. *Essex.* *Rex Hundred de Chemeresford writelam tunc reddit hoc manerium decem noctes de firma & 10 lib. &c.* Drink, or Entertainment for so many Nights. In the Reign of the English Saxons, Time was computed not by Days, but by Nights, so we read in the Council of *Cloveshoe*, Anno 824. *Et ibi finita & prescripte contentione coram Episcopo post 30 noctes illum juramentum ad Westminster deductum est.* And so it continued to the Time of H. 1. *Leg. c. 66, 76.* and from thence 'tis usual at this Time to say a Sevennight or Fortnight.

**Notamentum.** See *Nisance*.

**Nodfrys**, alias **Nedfri**, Was a Word well known among the Saxons to signify necessary Fire, being derived from the Saxon *Neb*, that is, necessary, and *fry*, *Ignis*: But the learned *Spelman* is of Opinion from the old Saxon *Neod*, i. *obsequium*; so that *Nodfrys* were Fires made in Honour of the Heathenish Deities. Vide *Proœmum Eadgari Regis de Cœnobitis Regularibus introducendis*, &c.

**Noffus**, **Naufus**, A Coffin of Wood. *Siquis corpus in terra vel noffo vel petra, sub petra, vel pyramide, vel structura qualibet positum effodere presumpserit.*—Leges Hen. 1. cap. 83.

**Nomen**, *Nominis impositio*. It was usual for the Romans to give Names to their Male Children when they were nine Days old, and to the Females, eight Days after their Birth. 'Tis probable that they derived this Custom from the *Grecians*, who did the like; but amongst the Christians the Name was not always given in Baptism, but some Time before, viz. *credidit autem Tifimius cum omni domo sua, & dato nomine proximo paschate futuro baptizatus est.* And here in England, we may learn the same Thing from Leg. H. 1. cap. 70. viz. *Si infans occidat vel occidatur, sine nomen habeat sine non habeat, plena vera conjectetur.*

**Nomenclator**, One that enucleates and opens the Etymologies of Names. *Spelman* verbo *Nomenclator*, interprets it to be *Thesaurarius*.

**Nomination** (*Nominatio*) Is taken for a Power that a Man, by virtue of a Manor, or otherwise, hath to appoint a Clerk, to a Patron of a Benefice, by him to be presented to the Ordinary.

**Nomina Villarum**. King Edward the Second (*Anno Reg. 9.*) sent Letters to the Sheriffs of England, commanding them to make an exact Return into the Exchequer of the Names of the Villages, and Possessors thereof in every County, which was accordingly done by them, and their Returns together are called *Nomina Villarum*, remaining still in the Exchequer.

**Nonalitiy** Is an Exception taken against the Plaintiff or Defendant, upon some Cause why he cannot commence Suit in Law, as *Præmunire*, *Outlawry*, *Profest in Religion*, *Excommunicate*, or a *Stranger born*, which last holds only in Actions real and mixt, and not in personal, except he be a Stranger and an Enemy. The *Civilians* say, That such a Man hath not *Personam standi in iudicio*. See Bro. *hoc titulo*, and F. N. B. fol. 35, 65. & 77.

**Non admittas**. See *Ne admittas*.

**Nonæ & decimæ** Were Payments made to the Church by those who were Tenants of their Farms, where *Nonæ* was a Rent or Duty claimed for Things belonging to Husbandry, and *Decimæ* were claimed in Right of the Church.

**Nonage** Is all that Time of a Man's Age, under One and twenty Years in some Cases, and Fourteen in others, as Marriage. See *Broke*, Tit. Age. Vide Age.

**Nonagium**, i. e. The ninth Part of moveable Goods paid in Nature of a Mortuary, which formerly was the third Part of such Goods, and therefore it was called *Tertiagium*: This was claimed by the Clergy upon the Death of those of their Parish, but by a Bull of Clement the Sixth, it was reduced to the ninth Part; the Pretence for this Payment was, to distribute it to pious Uses.

**Non capiendo Clericum**. See *Clericum non capiendo*.

**Nonclaim** Is the Omission, or Neglect, of him that ought to challenge his Right within a Time limited, by which Neglect he is either barred of his Right, as at this Day upon *Nonclaim* within five Years after a Fine, and Right to him accrued, by the Statute of 4 H. 7. 24. Or of his Entry by his Descent, for want of Claim, within five Years after the *Disseisin* made, by the Stat. 32 H. 8. 53. Vide Co. lib. 4. in *Proœm.* and *Continual Claim*.

**Non compos Mentis** Is a Man of no sound Memory and Understanding, of which there are four Sorts: First, An *Idiot*, who from his Nativiry, by a perpetual Infirmary, is *Non compos Mentis*. Second, he that by Sickness, Grief, or other Accident, wholly loseth his Memory and Understanding. Third, A *Lunatick*, that has sometimes his Understanding, and sometimes not, *aliquando gaudet lucidis intervallis*. Lastly, He that by his own Act, for a Time, deprives himself of his right Mind, as a *Drunkard*; but that Kind of *Non compos Mentis* shall give no Privilege or Benefit to him or his Heirs; and a Descent takes away the Entry of an *Idiot*, albeit the Want of Understanding was perpetual. *Coke*, lib. 4. *Beverley's Case*.

**Non distringendo** Is a Writ comprising under it divers Particulars, according to divers Cases, which see in the Table of Reg. Orig. verb. *Non distringendo*.

**Nones**, *Nona*, According to the Romans Account, were those Days which at the Beginning of some Months had six, of others had four Days, according to the Verses,

*Sex Nonas Maius, October, Julius & Mars,  
Quatuor at reliqui, &c.*

Thus the *Nones* in March, May, July, and October, are the six Days next following the first Day, or the *Calends*. In other Months they are the four Days next after the first; but the last of these Days is properly called *Nones*, and the other reckoned backward, according to the Number distant from the *Nones*, as the Third, Fourth or Fifth *Nones*. They are called *Nones*, because they begin the ninth Day before the *Ides*. Dates of Deeds by *Nones*, *Ides*, or *Calends*, is sufficient. 2 Inst. fol. 675. *Spelman* in his Glossary interprets it for *Meridies*, Mid-day, Dinner-time, which we in English call *Noon* and *Noon-tide*, which is as much as if we should say in Latin *Horam nonam*, id est, *Pomeridianam tertiam*, non meridiem, and as he infers, *Ratio a Romanorum cœna ducta est, quæ hora diei nona est, nec solenniter ante comedebant*.

**Non est Culpabilis** Is the general Plea to an Action of Trespass, whereby the Defendant doth absolutely deny the Fact imputed to him by the Plaintiff, whereas in other special Cases the Defendant but alledgeth some Reason in his own Defence: And therefore when the Rhetoricians comprise the Substance of their Discourses under three Questions, *An sit, quid sit, quale sit*; this Answer falleth under the First of the Three, and as it is the general Answer in an Action of Trespass, that is, an Action criminal civilly prosecuted; so is it also in all Actions criminally followed, either at the Suit of the King, or other, wherein the Defendant denieth the Crime objected



objected unto him. See the *New Book of Entries*, Tit. *Non culpabilis*, and *Staundf. Pl. Cor. lib. 2. cap. 62.*

*Non est factum* Is an Answer to a Declaration, whereby a Man denieth that to be his Deed, whereupon he is impleaded. *Bro. hoc Tit.*

*Non implacitando aliquem de libero tenemento sine hzebi* Is a Writ to inhibit Bailiffs, &c. from distraining any Man without the King's Writ, touching his Freehold. *Register, fol. 171.*

*Non intromittendo, quando hzebe de Precipe in Capite subdole innetratur*, Is Writ directed to the Justices of the Bench, or in Eyre, willing them not to give one that hath, under Colour of intituling the King to Land, &c. as holding of him in *Capite*, deceitfully obtaining the Writ called *Precipe in Capite*, but to put him to this Writ of Right, if he think good to use it. *Reg. Orig. fol. 4. b.* But this Writ had Dependence on the Court of Wards, and therefore is now become out of Use.

*Non Mercandizando Victualia* Is a Writ directed to the Justices of Assise, commanding them to enquire whether the Officers of such Towns do sell Victuals in gross, or by Retail, during their Office, contrary to the Statute, and to punish them if they find it true. *Register of Writs, fol. 184.*

*Non molestando* Is Writ that lieth for him which is molested contrary to the King's Protection granted him. *Register of Writs, fol. 24.*

*Non obstante*, (Which signifies Notwithstanding,) is a Clause frequent in Statutes and Letters Patent. *All Grants of such Pensions, and every Non obstante therein contained, shall be void.* 14 Car. 2. cap. 11. *Croke's Rep. 3. par. fol. 196. and Plovden. Com. fol. 501, 502.* In the Reign of King Henry the Third (says Sir Richard Baker) the Clause *Non obstante* (first brought in by the Pope) was taken up by the King in his Grants and Writings. See *Prynne's Animadversions on 4 Inst. fol. 129.*

*Non omitt. pzopt. aliquam libertat.* Is a Writ that lies where the Sheriff returns upon a Writ to him directed, that he hath sent to the Bailiff of such a Franchise, which hath the Return of Writs, and he hath not served the Writ, then the Plaintiff shall have this Writ directed to the Sheriff to enter into the Franchise, and execute the King's Process himself. *Old Nat. Brev. fol. 44.* Of this the *Register Original* hath three Sorts, fol. 82 & 151. and the *Register Judicial* one, fol. 5 & 56. Also the Sheriff shall warn the Bailiff, that he be before the Justices at the Day contained in the Writ, and if he come not, then all the Judicial Writs during the same Plea issuing, shall be Writs of *non omitas*, and the Sheriff shall execute the same. See *Terms de Ley, hoc Tit.*

*Non Plevin.* It was Enacted 9 E. 3. 2. That none thenceforth should lose his Land because of *Non Plevin*; that is, when the Land was not replevined in due Time. *Ralph de Hengham* gives this good Account of it—*Caveat sibi reus deficiens, quod infra 15 dies terram suam captam in manum Domini Regis replegiat, quod si non fecerit, ad calumniam potentis proximo die placiti amittet seismam terra sicut per defaltam.*—*Et ista defalta vocatur Gallice Non plevine, & aequipolet naturaliter defalta post defaltam.* *Hengham in Magn. cap. 8.*

*Non ponendis in Assis & Juratis* Is a Writ founded upon the *Statute of Westm. 2. cap. 38.* and *Articuli super Chartas, cap. 9.* which is granted upon divers Causes to Men for the freeing them from *Assises* and *Jurors*, particularly by Reason of their old Age. See *F. N. B. fol. 165.* and the *Register, fol. 100, 119, 181, 183.*

*Non procedendo ad Assisam Rege inconsulto* Is a Writ to stop the Trial of a Cause appertaining unto one that is in the King's Service, &c. until the King's Pleasure be farther known. *Register, fol. 220.*

*Non residentia pzo Clericis Regis* Is Writ directed to the Ordinary, charging him not to molest a Clerk employed in the King's Service, by Reason of his *Non-residence*. *Reg. Orig. fol. 58.*

*Non-residence*, 28 H. 8. 13. Is applied to such spiritual Persons as are not *resident*, but do absent themselves for the Space of one or two Months at several Times in one Year from their Benefices; for *Personal Residence* is required of Ecclesiastical Persons upon their Cures. See 2 *Par. Inst. fol. 625.*

*Non sane Memory*, (*Non sana Memoria*) Is an Exception taken to any Act, declared by the Plaintiff or Demandant to be done by another, and whereon he grounds his Complaint or Demand: And the Effect of it is, that the Party that did that Act, was Mad or not well in his Wits when he did it, or when he made his last Will and Testament. See *New Book of Entries, Tit. Non sane Memory.* See *Non compos Mentis.*

*Non solvendo pecuniam, ad quam Clericus multatur pzo non residentia*, Is a Writ prohibiting an Ordinary to take a pecuniary Mult, imposed upon a Clerk of the King's for *Non-Residency*. *Reg. of Writs, fol. 59.*

*Non-suit* (i. e. *Non est Persecutus, &c.*) Is a Renunciation of the Suit by the Plaintiff or Demandant, most commonly upon the Discovery of some Error or Defect, when the Matter is so far proceeded in, as the Jury is ready at the Bar to deliver their Verdict. *Anno 2 H. 4. cap. 7.* See the *New Book of Entries, verbo Non-suit.* The *Civilians* term it *Litis Renunciationem.*

*Non sum informatus.* See *Informatus non sum.*

*Non-tenure* Is an Exception to a Count, by saying, That he holdeth not the Land specified in the Count, or at least some Part of it. 25 E. 3. Stat. 4. cap. 16. *West Symbol. part 2. Tit. Fines, sect. 138.* makes Mention of *Non-tenure general*, and *Non-tenure special.* See the *New Book of Entries, verbo Non-tenure*, where 'tis said, That *special Non-tenure* is an Exception, alledging that he was not Tenant the Day when the Writ was purchased. *Non-tenure general*, is when one denies himself ever to have been Tenant to the Land in Question.

*Non-term, Non terminus*, Is the Time of Vacation between *Term* and *Term*: It was wont to be called the Time or Days of the King's Peace. *Lamb. Archaionom. fol. 126.* and that these were in the Time of Edward the Confessor; see there. This Time, by the Romans, was called *Jusitium* or *Feria*, or *dies nefasti*; *Feria* appellari notum est tempus illud, quod forensibus negotiis & jure dicendo vacabat; earum autem alie solennes erant, alie repentina. *Brissou. de verb. signif. lib. 6. Wesenbec paratit. de feriis, num. 6.*

**Nook of Land, Noka terra.** *Universis pateat quod ego J. que sui uxor W. B. — tradidi, &c. H. A. unum mess. & unam Nokam terra cum pertin. in villa de M. Dat. apud Sodynton. 5 E. 3.* I have seen an old Deed of Sir Walter de Pedwardyn, wherein 12 Acres and an half were granted for a Nook of Land; but I think the Quantity was not certain. *Illi qui tenuerunt dimidiam virgatam terra, vel nocatam terra, vel cotagium de bondagii tenuera.* Dugd. War. p. 665.

**Noonchench.** *Inter antiquas consuetudines Abbatia de Sancto Edmundo — infra manerium de Herdwyke — Custumarius faciet si Dominus voluerit unam precariam in Autumno cum duobus hominibus ad cibum Domini ad duo repasta & ad Noonscench, & aliam precariam cum uno homine ad cibum Domini ad duo repasta & ad Noonscench, si Dominus voluerit.* Ex Cartular. S. Edmundi. MS. fol. 322.

**Norroy,** As much as to say, Northroy, that is, the Northern King: The Third of the three Kings at Arms, and his Office lies on the North Side of Trent, as Clarentius on the South: He is mentioned in the Statute of 14 Car. 2. cap. 33. See Herald.

**Northtintus,** the North Country. Leg. Edw.

**Northumberland.** See Meata.

**North Wales.** See Ordovices and Veneti.

**Notary, (Notarius,)** Anno 27 Edw. 3. cap. 1. Is a Scribe or Scrivener that takes Notes, or makes a short Draught of Contracts, Obligations, or other Instruments. *Claus. Edw. 2. m. 6. Scheda consueta eidem memb. de Notariis Imperialibus non admittendis.* At this Day we call him a Notary, or Publick Notary, that attests Deeds or Writings, to make them authentick in another Country, but principally in Business relating to Merchants.

**Note of a Fine, Nota finis,** Is a Brief of a Fine made by the Chirographer, before it be ingrossed; the Form whereof see in West Symbol. part 2. Tit. Fines, sect. 117.

**Not Guilty.** See Non est Culpabilis.

**Novale** Seems to be Land newly ploughed, that without Memory of Man hath not been tilled. (*Ex Cartulario Abbatie de Furnesse in Com. Lanc. in Officio Ducat. Lanc. fol. 41. b.*) — Item nota quod Novale est ager nunc primum præcisus, ut extra verborum significationibus innovata, ubi Glossa dicitur Novale terra de Novo ad culturam redacta, cujus non extat memoria quod fuisset ibidem: Et quod Novale semel fuit, semper erit Novale, quoad decimarum retentionem vel solutionem. — Excepta decima Novalium cujusdam terre, quam de novo excoluerunt. Par. 6 Edw. 3. pag. 1. m. 19. See Fructum. But Novale is not always taken to be Land newly converted into Tillage, for sometimes it signifies fallow Land, i. e. Land which hath been ploughed for two Years, and lieth fallow afterwards for one Year, or that which lies fallow every other Year, and 'tis called Novale, because the Earth nova cultura proficitur; or it lies fallow causa novandorum fructuum.

**Nova Oblata.** De Novis Oblatis Nichil scribatur in Rotulo annuali, nisi ea de quibus Vicecomites respondent, & debita inventa in Originalibus que videntur esse clara. Claus. 12 E. 1. m. Dorso. See Oblata.

**Novel Assignment, Nova assignatio,** Is an Assignment of Time, Place, or such like, otherwise than as it was before in the Writ assigned. Bro. Tit. Deputy, num. 12. See Novel Assignment of Trespas in a new Place, after Bar pleaded. Bro. Tit. Trespas 122. and Novel Assignment in a Writ de

ejectione custodie, Tit. Ejectione custodie, num. 7. See Assignment.

**Novellæ.** Those Constitutions which were made by Emperors after the Publication of the Theodosian Code, were called Novellæ. Accursius calls the Julian Edition by that Name; and that barbarous Translation which was made in the Time of Eugenius, he calls the Authenticks, which are Books of the Civil Law.

**Novel Disseisin.** See Assise of Novel Disseisin.

**Noviomagus,** Woodcote near Croyden in Surrey.

**Nowche** — Hæc ornamenta capelle sue delata sunt ad Ecclesiam suam Elyensem post obitum suum, (scilicet Johannis de Ketene Episcopi) una cappa rubea de Samyte bene brudata cum imaginibus in tabernaculis cum uno Nowche nobili de argento cum salutatione protratta in amayl saphiri coloris. Hist. Elicen. apud Whartoni Angl. Sacr. Part 1. p. 642.

**Nowtgeid.** So Cornagium was called. See Cornage.

**Noyles, No Person shall put any Noyles, Flocks, Thrums, Hair, or other deceivable Thing into any broad Woollen Cloth, &c.** 22 Jac. 18.

**Nuces colligere,** To gather small Nuts, or Hazle-nuts. This was one of the Works or Services imposed upon inferior Tenants. — Homines de Hedington uno die colligent Nuces nomine Domini in bosco qui vocatur Stowode — Homines de Pydington per unum diem colligent Nuces ad opus Domini in bosco suo cum uno homine. — Paroch. Antiq. pag. 495.

**Nude Contract, Nudum pactum,** Is a bare Promise of a Thing, without any Consideration; and therefore we say, Ex nudo pacto non oritur actio.

**Nude Matter.** See Matter.

**Ad Numerum, Civitas Cant. reddit 24 l. ad Numerum, Domesday;** that is, by Number or Tale, as 'tis called. And Libra Pensata vel ad Pondus, was by Weight. See Libra Arsa. Pecunia in numero, Ad numerum, numerata, was the ancient and usual Reservation, and supposed to be intended in all Grants, unless the contrary was expressed. Vide Hale of Sheriffs Accounts, pag. 25.

**Numisma** Signifies the Stamp or Impression made on Money, and oftentimes Money it self, viz. Aureus Calix, & numerosum argenti Numisma.

**Nummata terræ** Is the same with Denariatus terræ, and thought to contain an Acre, Sciatis me (fr. Will. Longespée) dedisse & concessisse Ecclesie S. Marie de Walsingham & Canonicis ibidem Deo Servientibus in perpetuam Eleemosynam 40. Nummatis terræ in Walsingham, quæ fuit Archetel & Brinig fratris ejus de socca Wibotune, libere, quiete & honorifice absque omni servitio & omni consuetudine. Spelman. This seems to be a Mistake, for Nummata signifies the Price of any Thing by Money, as Denariata doth the Price of any Thing by Computation of Pence, and Librata by Computation of Pounds.

**Nummus, i. e. A Penny;** 'tis mentioned in this Sense in Matt. Westm. Anno 1095. Tanta eis suppetebat copia ut aries uno Nummo, bos vix 12 nummis venderentur.

**Non, Nonna,** Signifies a holy or consecrated Virgin, or a Woman that hath by Vow bound herself to a single and chaste Life in some Place and Company of other Women, separated from the World, and devoted to an especial Service of God by Prayer, Fasting, and such like holy Exercises.

Exercises. St. Hierom tells us, This is an Egyptian Word, as Hispian. recordeth of him in the Book *De Origine & Progressu Monachatus*, fol. 2.

**Pruncius**: We may call him an *Apparitor*, *Sergeant*, or *Beadle*.

**Pruncupative Will.** See *Will*.

**Pruper obit** Is a Writ that lies for a Coheir, being deforced by her Co-parcener of Lands or Tenements, of which the Grand-father, Father, Uncle, or Brother to them both, or any other their common Ancestor, died seised of an Estate in Fee-simple. See the Form of the Writ. *Reg. Orig.* fol. 226. &c. and *Fitzh. Nat. Brev.* fol. 197. But if the Ancestor died seised in Fee-tail, then the Coheir deforced shall have a *Formedon*, *ibid*. But where the Ancestor was once seised, and died not seised of the Possession, but in Reversion; in such a Case a Writ of *Rationabili parte* lies for the Party.

**Nuisance** (*No:umentum*.) Cometh of the French *Nuire*, i. *No ere*, and signifies not only a Thing done, whereby another Man is annoyed in his Free Lands or Tenements, but the Affize or Writ lying for the same. *F. N. B.* fol. 183. And this Writ de *Nocumento*, or of *Nuisance*, is either simply de *Nocumento*, or de *parvo nocumento*, and then it is *Vicountiel*. *Old Nat. Brev.* fol. 108, 109. *F. N. B.* fol. 183, 184. Britton calls it *Nofance*, whom *Reed*, cap. 61, 62. *Manwood* in his *Forest Laws*, cap. 17. makes three Sorts of *Nuisance* in the Forest: The first is, *Nocumentum commune*. The Second, *Nocumentum speciale*. The Third *Nocumentum generale*, which you may read there, (for I will not insist upon the Distinction) See *Reg. Orig.* fol. 197 & 199. *Co. Rep. Williams's Case*. Instead of this, now generally are brought Actions of Trespas, and upon the Case.

**Nutgeld** or *Neutgeld*. *Carta Antiq. S. N.* 29. A certain Tribute paid in Cumberland and Westmorland. It may be the same with *Horngeld*, for by *Neut*, *Neat*, is understood Cattle.—*Richardus Rex*, &c. *Sciatis nos concessisse Gilberto filio Rogerii & heredibus suis quietantiam per totam terram suam de Westmorland & de Kendale de Nutgeld*, &c. *Cart. Ric.* 1.

**Nutmegs**, *Nuces muscatae*, Is a Spice well known to all, described in *Gerhard's Herbal*, lib. 3. cap. 145. and mentioned among Spices that are to be garbled. 1 *Fac.* 19.

**Nutimentum**, Breed of Cattle.—*Quilibet Custumarius Domine non debet vendere equum masculum neque bovem de proprio nutrimento suo*—*Paroch. Antiq.* p. 401.

## O.

**O** The seven Antiphones or alternate Hymn of seven Verses, &c. sung by the Quire in Time of Advent, was called O, from beginning with such Exclamation. In the old Statutes and Orders for the Church of St. Paul in London, in Time of *Ralph de Diceto*, Dean, there is one Chapter De *faciendo O*.—*Debet etiam novus Residentarius contra Natale O suum intonare, & in domo sua post completorium totum Chorum invitare*, &c. *Liber Statutorum Eccl. Paul.* London. *MS.* fol. 86.

**Oale-Gabel.** See *Gavel-fer*.

**Oalehus**, i. e. an Ale-house.

**Oale-Gabel.** See *Gavel*.

**Oath**, (*Furamentum*) Is a Calling Almighty God to Witness, that the Testimony is true; therefore it is aptly termed *Sacramentum*, a Holy Band, a sacred Tie, or godly Vow. And it is called a *Corporal Oath*, because the Party, when he swears, toucheth with his right Hand tho *Holy Evangelists*, or Book of the *New Testament*. *Coke 3 Par. Inst. cap. 74.* See the several Oaths of many of the Officers of this Kingdom in the *Book of Oaths* lately printed. In a Deed of *William de Elmham*, Knight, in French, Dat. 19 April, 49 Ed. 3. is this old-fashioned Oath, *Promettant per lay foye de mon Corps & de Chevalerie, que si Dieu moy voille mesnez en savete, &c. jeo delivray les avantdiz sonmez, &c.* *MS. Penes Will. Dugdale, Ar.* And anciently at the End of a legal Oath was added, *So help me God at his holy Dome*, i. e. Judgment. *Black Book of Heref.* fol. 46. 'Tis called *Canonica Purgatio*, because allowed by the Canons to distinguish it from *vulgari Purgatione*, viz. by Battel, or by Fire or Water Ordeal, which was always prohibited by the Church; and in small Matters which the Plaintiff could not prove, or if he could, and his Proof was disallowed by the Court, the Defendant might purge himself by his own Oath, and this was called *Furare propria manu*; but in greater Affairs he was to bring some other credible Persons, who were usually of the same Quality or Condition with the Plaintiff, and they were to swear, that they believed what the Defendant had sworn was true, and those were called *Sacramentales*, whose Number were more or less, according to the Quality of the Criminal, and to the Fault or Thing in Question. If the Defendant was accused of a very great Offence, of which there was no Proof, then he was to purge himself by the Oaths of Twelve such Witnesses; and this was called *Furare duodecima manu*. *Leg. Hen. 1. cap. 64.*

Our Ancestors did believe, that a Man could not be so wicked as to call God to witness any Thing which was not true; but that if any one should be perjured, he must continually expect that God would be the Revenger. Such Instances are mentioned in our Historians. See *Malmf. lib. 2. c. 6.*

**Oath of the King**, *Furamentum Regis*, Is that which the King taketh at his Coronation, mentioned by *Bracton*, and divers others.

**Oath of the King's Justices** Is the Oath they take at the Entrance into their Office, mentioned *Anno 18 Ed. 3. stat. 4.*

**Obba**. *Servientes infirmiorii & refectorii respondeant suis Magistris de cibis argenteis & mavis, cochalibus argenteis, Obbis, salariis, Mappis & manutergiis*—*Hist. Ingulphi.* p. 104.

**Obedientia** Was a Rent, as appears out of *Roger Hoveden, parte poster. annal. suor.* pag. 430. in these Words, *Ut ergo eis (sc. regularibus) adimatur opportunitas evagandi, prohibemus, ne redditus quos Obedientias vocant ad firmam teneant, &c.* In the Canon Law it is used for an Office, or Administration of an Office; and thereupon the Word *Obedientiales* is used in the Provincial Constitutions, for those which have the Execution of any Office under their Superiors. *Cap. prim. de Statu regula.* For thus saith *Lindewode* in his Gloss upon that Word, *Hi sunt qui sub Obedientia suorum Pralatorum sunt & habent certa Officia administranda interius vel exterius.* It may be that some of these Offices called *Obedientia*, consisted in the Collection of Rents or Pensions, and that therefore those

those Rents were by a *Metonymy*, called *Obedientia* quæ colligebantur ab Obedientialibus. *Concil. Eboracenſ. Anno 1195.* But *Obedientia*; in a general Acceptation of the Word, ſignified every Thing that was enjoined the Monks by the Abbot: And, in a more reſtrained Senſe, the Cells or Farms which belonged to the Abbey, to which the Monks were ſent, *vi ejusdem obedientiæ*, either to look after the Farms, or to collect the Rents, which were likewiſe called *Obedientia*. So in *Matt. Pariſ. Anno 1213. In qualibet Balliva quas obedientias appellamus, &c.*

**Obit**, A Latin Word, ſignifying a Funeral Solemnity, or an Office for the Dead, moſt commonly performed at the Funeral, when the Corps lie in the Church uninterred: Alſo the Anniversary Office. *Cro. 2 par. fol. 51. Holloway's Caſe.* It was held 14 *Eliz. Dyer, 313.* That the Tenure of *Obit* or *Chantry* Lands held of Subjects, is extinct by the Act of 1 E. 6. 14. See 15 Car. 2. cap. 9.

**Obit**, **Obituary**, The Anniversary of any Perſon's Death was called the *Obit*; and to obſerve ſuch Day with Prayers and Alms, or other Commemoration, was called *keeping the Obit*. In religious Houſes they had a Register or Kalendar, wherein they entered the *Obits* or *Obitual* Days of their Founders and Benefactors, which was thence called the *Obituary*.

**Objurgatrices**, Scolds or Railing Women.

**I**tem, quia per Objurgatrices & meretrices multa mala in villa oriuntur, viz. lites, pugna, ſeu verberationes, diffamationes, & tranquillitatis perturbaciones, tam de nocte quam die, ac ſciſmata inter Vicinos Villæ ſeu Burgi noſtri prædicti, ac inobedientia contra Ballivos & alios miniſtros ſuos, ac alia multa inquietationes per earum buteſias & clamores. Igitur utimur de eiſdem, quod cum capta fuerint, habeant judicium de le Gogingſkoole, & ibi ſtabunt nudis pedibus, & ſuis crinibus pendentibus & diſperſis, tanto tempore, ut aſpici poſſint ab omnibus per viam tranſeuntibus, ſecundum voluntatem Ballivorum noſtrorum Capitalium; Et poſt judicium factum, ducantur ad Gaolum, & ibi morentur quouſque redemptionem fecerint pro ſuis offenſionibus & delictis ad Voluntatem Ballivorum & Communitatis; Et ſi per tale judicium noluerint caſtigari, a villa ejiciantur, & hoc per Ballivos cum poſſe Communitatis, ſi non per ſe fuerit, propter plura mala discrimina & pericula, quæ per eas oriri poſſent, & nedum per illas, ſed etiam per earum mantentores; Et ſi earum mantentores ſint de noſtris Comburchenſibus, fiat de illis ſicut de perjuriſ & tranquillitatem villæ perturbantibus, & eo facto amittant libertatem. MS. LL. liberi Burgi villæ de Mountgomery a tempore Hen. 2.

**Oblata**, Properly Offerings: But in the Exchequer it ſignifies old Debts, brought together from precedent Years, and put to the preſent Sheriff's Charge. See the *Practice of the Exchequer*, pag. 78. Alſo Gifts made to the King by any of his Subjects, which were ſo carefully taken Notice of in the Reigns of King John and Henry the Third, that they were entered in the Fine Rolls, under the Title *Oblata*; concerning which ſee Mr. Philips his Book of the Antiquity and Legality of Royal Purveyance. *Spelman's Gloſſary*, and *Prynne's Aurum Reginz.* See *Nova Oblata*.

**Oblata**, The conſecrated Wafers or Hoſts diſtributed to Communicants in the Maſs or Sacra-

ment of the Altar.—— And hence the Word was afterwards uſed for thin Cakes or Wafers baked in Iron Moulds, which the French ſtill call *Oblee* and *Oblie*.—— A customary Treat in religious Houſes. *Item ſingulis diebus dominicis in quadrageſima dimidium præbendarum frumenti de granario ad Oblatas, ad Cœnam, & dimidium ſimiliter in Cœna Domini ad idem.*—— *Monast. Angl. Tom. 1. pag. 149.*

**Oblations**, **Oblationes**, Are thus defined in the Canon Law, *Oblationes dicuntur, quæcunque a piis fidelibusque Chriſtianis offeruntur Deo & Eccleſiæ, ſive res ſoli ſive mobiles ſint; nec reſert an tegerent teſtamento, an aliter donentur.* cap. Clerici 13. quæſt. 2. Read more thereof in *Duarenus de ſacr. Eccl. Miniſter. ac beſeſ cap. tertio, 12 Car. 2. cap. 11.*

**Oblations** of the Altar, Customary Offerings from the Pariſhoners to the Pariſh-Prieſt, which were ſolemnly laid upon the Altar: Of which the Maſs or Sacrament-Offerings were uſually three Pence at *Chriſtmaſs*, two Pence at *Eaſter*, and a Penny at two other principal Feaſts. Under the ſame Title were comprehended all the accuſtomed Dues for *Sacramentalia*, or Chriſtian Offices, which in the Vicarage of *Burceſter*, about the Year 1212. were one Penny for a Burial, one Penny for a Marriage, one Penny for Churching a Woman. Among the *Altar Oblations* were alſo reckoned the little Sums paid for ſaying Maſſes and Prayers for the Souls of the Deceased. See Mr. *Kennet's Gloſſary*.

**Oblationes Funerales**, The Soul-ſeat or Offering to expiate the Omiſſions or Defaults of the Party deceased in paying Tithes, or other Eccleſiaſtical Dues, was at firſt an *Oblation* at the Funeral, which was often the beſt Horſe of the Deſunct, led before the Corps, and delivered at the Church-Gate or the Grave, for the Uſe of the Pariſh-Prieſt. To this old Cuſtom we owe the Original of Mortuaries, &c. If the Corps of the Deceased was carried from the Mother-Church to any other Place of Sepulture, the accuſtomed Offerings were due to the Pariſh-Prieſt where the Party died.—— At the Burial of the Dead, it was a Cuſtom for the ſurviving Friends to offer liberally at the Altar, for the pious Uſe of the Prieſt, and the good Eſtate of the Soul deceased. The Relicks of this Cuſtom do ſtill obtain in *North Wales*, where at the Rails, which decently defend the Communion-Table, there is a Tablet or flat Board conveniently fixed, to receive the Money, which at moſt Funerals is offered by the ſurviving Friends, according to their own Ability, and the Quality of the Deceased: Which ſeems a providential Augmentation to ſome of thoſe poor Churches. See Mr. *Kennet's Gloſſary*.

**Oblationes quatuor principales**, The four chief or principal Offerings to the Pariſh-Prieſt, which were made in the Feaſt of *All-Saints*, *Chriſtmaſs*, *Candlemaſs*, and *Eaſter*.—— *Ita tamen quod Sacramenta baptiſmi, ſponſalium, puriſcationis, & quatuor principales Oblationes, videlicet in Feſtis omnium Sanctorum, Natalis Domini, puriſcationis beatæ Mariæ, ac Paſchæ, ac mortuaria omnium & ſingulorum ibidem ſepulturam eligentium cum omnibus oblationibus ratione funeris oblatis & Eccleſiæ debitis integre reſerventur*—— Munimenta Hoſpitalis S. S. Trinitatis de Pontefraſto, MS. fol. 51.

**Obligation**, **Obligatio**, Is a Bond containing a Penalty, with a Condition annexed, either for Payment



Payment of Money, Performance of Covenants, or the like, and so differs from a Bill that hath no Penalty nor Condition; and yet a Bill may be obligatory. *Co. on Litt. fol. 172. and West Symbol. part 1. lib. 2. sect. 146.*

**Obligor** Is he that enters into such an Obligation, and Obligee the Person to whom it is entered into. Before the Coming in of the Normans (as we read in *Ingulphus*) Writings obligatory were made firm with *Golden Croffes*, or other small Signs or Marks. But the Normans began the making such Bills and Obligations with a Print or Seal in Wax, set to with every one's special Signet, attested by three or four Witnesses. In former Time many Houses, and Lands thereto, passed by Grant and Bargain without Script, Charter, or Deed, only with the Landlord's Sword or Helmet, with his Horn or Cup; yea, and many Tenements were demised with a Spur or Curry-comb, with a Bow, or with an Arrow. See *Wang.*

**Obolata terræ**, In the Opinion of some, contains half an Acre of Land, others but half a Perch. *Thomasius* says, *Obolum terra* is ten Foot in Length, and five in Breadth. See *Fardingdele* and *Spelman's Glossary* more at large upon this Word. But, *Dedi duas solidatas, tres denariatas & obolatam annui redditus*, *Charta Johannis de Strete*, 26 Edw. 3. signifies two Shillings and six Pence Half-penny yearly Rent.

**Obolus cetæ** Seems to be half a Pound of Wax. *Leg. Camuti, cap. 14. Et fiat in Anno Symbolum lucis, i. e. a Contribution for Candles, viz. Primum in Vigilia Pasche Obolus cetæ de omni hida, &c.* See *Farthingdale.*

**Obfella** For *Cistella*. *Brompton, pag. 1224.*

**Obventiones**, (*Obventiones*.) Offerings. 2 *Inst. fol. 661.* Also Rents, Revenue, properly of spiritual Livings. *Anno 12 Car. 2. cap. 11. Margeria Marefcalla Comitissa de Warewyke universis Sanctæ matris Ecclesiæ filiis, &c. dedi— Omnes Obventiones, tam in decimis majoribus & minoribus, quam in aliis rebus de assartis de Wigencoc, & decimam pannagii & venationis de Wigencoc & de Rinsell, &c.* MS. penes Will. Dugdale, Mil.

**Occasio** Is, according to *Spelman*, taken for an Impediment. In the Charter of Liberties of Henry the First, we have these Words, *Quorum Regnum oppressum erat injustis occasionibus & exactionibus*; and in *Chart. Forest. cap. 12. unusquisque liber homo de cætero sine occasione faciat in bosco suo vel in terra sua— molendina, vivaria, &c.* *Occasio* is also taken for a Tribute which the Lord imposed on his Vassals or Tenants. *Propter Occasiones bellorum vel aliarum necessitatum.* And therefore,

**Occasionare** Signifies to be charged or loaded with Payments. *Non propter hoc occasionentur coram Domino Rege & Justiciariis.* Stat. Ed. 2. Anno 21. So in *Fleta*, *Ita quod ipsi vigilatores non occasionentur.* Lib. 1. cap. 24. par. 7. Lib. 2. cap. 66. par. 18. 19. Stat. *Marlbridge*, cap. 11. and in the *Monast. 2 Tom. pag. 916. Festa claudi faciant, quod averia mea non possint transferre & si transferint inde non occasionabo.*

**Occationes**, (in some Authors corruptly written *Occasiones*) Are *Affarts*, whereof *Manwood* speaks at large; the Word is derived ab *Occando*, i. e. Harrowing or breaking Clods: See *Spelman's Glossary*, verbo *Effartum*. *Effarta vulgo dicuntur que apud Isidorum Occationes nun upantur.* Lib. Nig. Seacc. par. 1. cap. 13.

**Occupant**. If Tenant *pur terme de autre vie* dies, living *Cestuy que vie*; he that first enters shall hold the Land during that other Man's Life. and he is in Law called an *Occupant*, because his Title is by his first *Occupation*; and so if Tenant for his own Life, grant over his Estate to another, if the Grantee dies, there shall be an *Occupant*. *Co. on Litt. cap. 6. sect. 56. and Bulstrode's Rep. 2 par. fol. 11, 12.*

**Occupation**, *Occupatio*, Signifies the putting a Man out of his Freehold in Time of War, and is all one with *Disseisin* in Time of Peace, saving that it is not so dangerous. *Co. on Litt. fol. 249.* Also Use or Tenure. So we say, such Land is in the Tenure or *Occupation* of such a Man, that is, in his Possession. See *Terre-Tenant*. Also Trade or *Occupation*, 12 Car. 2. cap. 18. But *Occupations*, in the Stat. de bigamis, cap. 4. are taken for Usurpations upon the King, and is when one usurps upon the King, by using Liberties which he ought not. And as an unjust Entry upon the King into Lands or Tenements is an *Intrusion*, so an unlawful Using of Franchises is a *Usurpation*. But *Occupations* in a larger Sense, are taken for *Purprestures*, *Intrusions* and *Usurpations*. See 2 *Inst. fol. 273.*

**Occupavit** Is a Writ that lieth for him which is ejected out of his Land or Tenement in Times of War, as a Writ of *Novel disseisin* lies for one ejected in Time of Peace. *Ingham, sect. Brief. de Novel Disseisin.*

**Octavi**, *Octava*, The eighth Day following some peculiar Feasts. See *Uias.*

**Octopitarum Promontorium**, *St. David's Head* in *Pembrokeshire*.

**Octo tales**. See *Tales*. See *Bro. Tit. Octo tales.*

**Odio & atia** Is an old Writ mentioned in the Statute of *Westm. 1. made 3 E. 1. cap. 11.* And it was directed to the Sheriff, to enquire whether a Man committed to Prison upon Suspicion of Murder, be committed upon just Cause of Suspicion, or only upon Malice. *Register, fol. 133. Bracton, lib. 3. part 2. cap. 20.* And if upon Inquisition it were found, That he was not Guilty, then there came another Writ to the Sheriff to bail him. But now that Course is taken away by the Statute of 28 E. 3. cap. 9. as appears in *Staundford, Pl. Cor. fol. 77. and Co. lib. 9. fol. 56.* and *Spelman*, verbo *Atia*. *Atia* was anciently written *Hatia*, or *Hatya*, for *Hate*, from the Saxon *Hatian*, To wax hot, to rage, also to hate; not *Atia*, quia *Malitia est acida*, as *Sir Edw. Coke* has it in his 9 *Rep. fol. 506.* and in 2 *Inst. fol. 42.* See *Spelm. on Atia.*

**Odonarium** for *Donarium*, i. e. *Munus.*

**Oeconomicus**. This Word was used for the Executor of a last Will and Testament, as the Person who had the *Oeconomy* or fiduciary Disposal of the Goods of the Party deceased— *Per testamentum suum constituerat— ut Oeconomicus illius Dominus Georgius Winter testamentum suum violavit.* Hist. Dunelm. apud *Whartoni Angl. Sacr. Part 1. pag. 784.* See *Vicedomini*. Sometimes the Word is taken for an Advocate or Defender; as, *Summus secularium Oeconomus, & protector Ecclesiæ.* Mat. Paris. Anno 1245.

**Oferhyrnynde**, and **Oferhyrnyssa**, In the Council holden at *Winchester*, in the Time of Archbishop *Lanfranc*, Anno 1076. we read, *Si autem post excommunicationem & satisfactionem venerint, forisfacturam suam, quæ Anglice vocatur Oferhyrnyesse seu*

*seu Cahstic, pro unaquaque vacatione Episcopo suo reddant.* See Gloss. in 10. Scriptor. verbo Overhernessia.

**Offertorium**, A Piece of Silk or fine Linen, to receive and wrap up the Offerings or occasional Oblations in the Church. Hence in the Statutes of the Church of St. Paul in London, it was ordained, *Ut Sacrifica curet quod corporalia, pale, vestimenta, Offertoria & abstergioria munda sint integra & nitida.*—Ex libro Statut. Eccl. S. Pauli, Lond. MS. fol. 39. b. We are told by Onuphrius Panvinus, and from him by Ludovicus de Lacerda, Offertorium esse sindonem sericeam, seu Lintamen, in quo fidelium oblationes reponerantur. 'Tis a Word mentioned in a Visitation of the Treasury of the Church of St. Paul, London, Anno 1295, viz. Offertorium stragulum de rubro & viridi, &c. Sometimes 'tis taken for the Antiphona or Singing at the Time when the Sacrament is administered:

*Affectum spondet Chorus Offertoria cantans.*

And sometimes 'tis taken for the Offerings of the Faithful, and is the same with Oblatio.

**Officium**, *Officium*, Doth signify not only that Function by Virtue whereof a Man hath some Employment in the Affairs of another, as of the King, or of another Person; but also an Inquisition made to the King's Use of any Thing by Virtue of his Office who enquireth. And therefore we oftentimes read of an Office found, which is nothing else but such a Thing found by Inquisition made *ex Officio*. And in this Sense it is used, 33 H. 8. 20. and in Staundf. Prerog. fol. 61. where to *traverse an Office*, is to traverse the Inquisition taken of an Office, and in Kitchin, fol. 177. To *return an Office*, is to return that which is found by Virtue of the Office. See also the New Book of Entries, Tit. Office pur le Roy, and this is by a Metonymy of the Effect. And there be two Sorts of Offices in this Signification issuing out of the Exchequer by Commission, viz. An Office to entitle the King to the Thing enquired of, and an Office of Inquisition, for which see Co. 6. Rep. fol. 52. Page's Case. Office in Fee, is that which a Man hath to himself and his Heirs. 13 E. 1. cap. 25. Kitch. fol. 152. See Clerk.

**Official**, *Officialis*, Is a Word very diversly used; for sundry Civilians of other Countries, that write in these Days, apply it to such as have the Sway of temporal Justice. Egidius Bossius in *pract. crim. Tit. De Officialibus corruptis, &c.* But by the ancients Civil Law it signifies him that is the Minister, or Apparitor of a Magistrate or Judge, lib. 1. *sect. si quis ultro*. In the Canon Law, it is especially taken for him to whom any Bishop doth generally commit the Charge of his spiritual Jurisdiction, and in this Sense one in every Diocese is *Officialis Principalis*, whom the Statutes and Laws of this Kingdom call Chancellor, 32 H. 8. 15. The Rest, if they be more, are by the Canon Law called *Officiales Foranei*, Gloss. in Clem. 2. de Rescriptis, but with us termed Commissioners, Commissarii, or sometimes Commissarii Foranei. The Difference of these two Powers you may read in Lindeuode, Tit. de sequestra possess. cap. 1. verbo *Officialis*. But this Word Official in our Statutes and Common Law, signifies him whom the Arch-Deacon substituteth in the Executing of his Jurisdiction, as appears by the said Statute.

**Officiarius non faciendis vel amobendis** Is a Writ directed to the Magistrates of a Corporation, willing them not to make such a Man an Officer, and to put him out of the Office he hath, until Enquiry be made of his Manners, according to an Inquisition formerly ordained. Reg. Orig. fol. 126.

**Officium Curtagii Pannorum**, Granted to Will. Osborne. Extra. Fin. Cancell. 2 E. 2. m. 18.

**Osgang-fordell**: Spelman thinks it should rather be read Osgang for Ordal, i. transitus ad ordalium. Eantque (rei) ad triplex judicium quod Angli Osgang-fordell vocant. Constit. Canuti Reg. de Foresta, cap. 11.

**Old-Town in Herefordshire**. See Blestium.

**Oleron Laws**, Or the Laws of Oleron, (*Leges Uliarenses*) are so called, because made when King Richard the First was there, and have Respect to Maritime Affairs. Co. on Lit. fol. 260. This Oleron is an Island in the Bay of Aquitaine, at the Mouth of the River Charent, now belonging to the French King. See Selden's *Mare Clausum*, fol. 222 & 254. and Pryn's *Animadversions* on Co. 4 Inst. fol. 126.

**Ollata cerevisiæ**, A Pot or Flaggon of Ale or Beer.—*Et si brasient ad vendendum, dabit pro quolibet bracio unum denarium, vel ollatam cerevisiæ, tanti pretii pro tolmeto.*—Consuetud. Domus de Farendon; MS. f. 9.

**Olympiad**, *Olympias*, The Space of five Years: Ethelred, King of the English Saxons, reckoned his Reign by Olympiads, as appears by a certain Charter of his, having these Words, *Consentiens (inquit) signo sanctæ Crucis subscripsi in Olympiade 4. Regni mei*. And this, by cotemporary Writers, seems to have been the sixteenth Year of his Reign, and the Year of our Lord 994. or thereabouts. Spelman.

**Ouncunne**, i. e. Accused. From the Saxon *Ouncunnen*, *Accusatus*. *Si quis alium Godborgis uncunna & compellare velit, quod ei aliquid ipsorum non complevit perjuret, hoc in 4 Evangelii fiat.* Leg. Alfred. cap. 29.

**Oneth**, i. e. the Knee.

**Oneranda pro rata portionis** Is a Writ that lies for a Joint-tenant, or Tenant in-Common, that is disfrained for more Rent than his Proportion of the Land cometh to. Reg. Orig. fol. 182.

**O. ni.** In the Exchequer, as soon as a Sheriff enters into his Accounts, for Issues, Amerciaments, and mean Profits, they set upon his Head this Mark O. Ni. which denotes *Oneratur, nisi habet sufficientem exonerationem*; and thereupon he forthwith becomes the King's Debtor, and a Debt set upon his Head, and then the Parties *Peravayle* become Debtors to the Sheriff and discharged against the King. Co. 4 Inst. fol. 116.

**Omnis importandi**, The Charge of Importing, mentioned 12 Car. 2. Art. 28.

**Omnis probandi**, The Burden of proving, spoken of, 14 Car. 2. cap. 11. and several other Statutes.

**Open Law**, *Lex manifesta seu apparens*, Is making Law, which, by *Magna Charta*, cap. 21. Bailiffs may not put Men unto upon their own bare Assertions, except they have Witnesses to prove the Truth thereof. See Law.

**Opentheof**,

**Ouentheof;** **Ouen Thef,** That is, *open Theft.* *Quidam placita vel crimina emendari non possunt quae sunt Husbreech, Berner, Open Thef, Eberemord and Laforðwick. Leg. Hen. 1. cap. 13. Hoc in emendationibus Williel. pri. Ran dicitur, saith Spelman.*

**Operarii.** In ancient Surveys and Accounts of Manors, we meet often with those Tenants which were called *Operarii*; they were those who had some little Portions of Land by the Duty of performing many bodily Labours, and other servile Works for their Lord, and were no other than the *Servi, Natives, and Bond-men.*

**Operatio,** One Day's Work performed by any inferior Tenant to the Lord.— *Homines de Hedington facient Hugoni & heredibus suis pro qualibet virgata terra sexdecim Operationes, videlicet, uno die inter Festum, &c. Paroch. Antiq. p. 320.*

**Operti Canes,** Dogs with whole Feet not lawed.— *Et debent habere Canes Opertos (seu Operas) ex omni genere Canum, & non impeditatos. Custumar. de Sutton Colfield.*

**Opirus** for *Autopyrus,* or *Opius.* *Triticum deficiente panis eorum Opirus & mucidus, i. e. The Bread is coarse and musty. Matt. Paris. Anno 1248.*

**Oppa.** See *Blanhornum.*

**Opron.** When a new Suffragan Bishop is consecrated, the Archbishop of the Province, by a customary Prerogative, does Claim the Collation of the first vacant Dignity or Benefice in that Sec, at his own Choice, which is therefore called the Archbishop's *Option.*

**Ora.** *Ego frater Nigellus Dei gratia Abbas Ber-tonia, dedi, in Capitulo nostro, & omnes fratres mei mecum, terram de Ocovere, Ormæ, hac conventione, ut unoquoque anno nobis xx Oras persolvat, & proinde factus est homo noster. Sine dat.* This was Saxon Money or Coin, valued at sixteen Pence a-piece, (often found in *Domesday*;) and sometimes, according to the Variation of the Standard, twenty Pence. *Homines de Berkholt in Com. Suff. dicunt quod tempore Regis Hen. Avi domini Regis nunc, solebant habere talem Consuetudinem, quod quando maritare volebant filias suas, solebant dare pro filiabus suis maritandis duas Oras, quæ valent xxxii Denar. Pla. coram Rege, Mich. 37 H. 3. Rot. 4.* It was the same with our Ounce, which is valued at twenty Pence. This was the Opinion of *Spelman* and *Somner.* 'Tis a Word often mentioned in *Domesday*, viz. *Tale manerium reddit 30 libras denariorum de 20 in Ora. In Leg. Canuti, fifteen Ora make a Pound, cap. 31.*

**Orando pro Rege & Regno.** Before the Reformation, while there was no standing Collect for a sitting Parliament, as soon as the Houses were met, they petitioned the King that he would require the Bishops and Clergy to pray for the Peace and good Government of the Realm, and for a Continuance of the good Understanding berwixt his Majesty and the Estates of his Kingdom. And accordingly the Writ *De Orando pro Rege & Regno* was common in *Edward the Third's* Time. *Mr. Nicholson's Engl. Histor. Libr. Part 3. p. 66.*

**Orarium,** The Hem or Border of a Garment.— *Richardus de Bury Episcopus Dunelm. dedit Ecclesie sue vestimentum de nigra cumica cum tribus capis ejusdem sectæ cum largis Orariis decenter ornatis. Hist. Dunelm. apud Wharton Angl. Sacr. Part 1. p. 766.*

**Ozble,** *Anglice, A Bonney, a Swelling or Knot in the Flesh caused by a Blow. Bratt. lib. 3. Tit. De Corona, cap. 23. num. 2.*— *Arma moluta plagam faciunt, sicut gladius, bisacuta & hujusmodi; Ligna vero & lapides faciunt Brursas, Orbes & istus qui judicari non possunt ad plagam.*

**Orechel,** (*Anno 1 Rich. 3. cap. 8.*) *Orchal,* (*Anno 24 Hen. 8. cap. 2. and 3 & 4 Edw. 6. cap. 2.*) seems to be a Kind of Cork, or rather a Kind of Stone like *Allum*, which Dyers use in their Colours.

**Ozesse** or **Ozelse,** *Effossio metalli,* Is a Word derived from the Saxon *Ore. Metallum,* and *Delfan, effodere,* and often used in Charters of Privileges, being taken for a Liberty, whereby a Man claims the Ore found in his own Ground, but properly is the Ore lying under Ground: As also a *Delfe* of Coal, is Coal lying in Veins under Ground, before it is digged up.

**Ozdel,** *Ordalium,* Is a Saxon Word, compounded of *Or, magnum,* and *deal,* alias *dele, Judicium,* or as others, from *Or,* which in that Language is privative, and *del, part,* that is, *expers criminis,* or not Guilty; but is used for a Kind of Purgation practised in ancient Times, and in the Canon Law called *Purgatio vulgaris.* There were of this two Sorts, one by Fire, another by Water. Of these see *Mr. Lambard*, in his *Explication of Saxon Words, verbo Ordalium:* Of this you may read likewise *Holingshed, fol. 98.* and *Hotoman* especially, *Disput. de Feud, pag. 41.* where, of five Kinds of Proofs, which he calleth *Feudales probationes,* he maketh this the Fourth, calling it *Explorationem, & hujus furiosa probationis 6. genera fuisse animadvertit, viz. per flammam, per aquam, per ferrum candens, per aquam vel gelidam vel ferventem, per sortes & per corpus Domini,* of all which he alledgeth several Examples out of History, very worthy the Reading. See *Skene de verbor. significat. verbo Machinam.* This seems to have been in Use in *Henry the Second's* Time, as appeareth by *Glanville, lib. 14. cap. 1, 2.* See also *Verstegan, cap. 3. pag. 63. &c.* See also *Hoveden 556.* This *Ordalian* Law was condemned by *Pope Stephen the Second,* and afterwards here totally abolished by Parliament, as appears by *Rot. Paten. de Anno 3 Hen. 3. Membr. 5.*

**H**enricus III. *Dei Gratia Rex, &c. dilectis & fidelibus suis Philippo de Ulecot & Socii suis Justiciariis itinerantibus in Comitatibus Cumberland, Westmorland, & Lancaster, Salutem. Quia dubitatum fuit & non determinatum ante inceptiorem itineris vestri, quo judicio deducendi sunt illi qui reſtati sunt de Latrocinio, Murdro, incendio, & hiis similibus, cum prohibitum sit per Ecclesiam Romanam Judicium Ignis & Aquæ; Provisum est a Conilio nostro, ad præsens, ut in hoc itinere, sic fiat de reſtatis de hujusmodi excessibus, viz. Quod illi qui reſtati sunt de criminibus prædictis majoribus, & de eis habeatur suspicio quod culpabilis sint de eo unde reſtati sunt (de quibus etiam licet Regnum nostrum abjurarent adhuc suspicio esset quod postea malefacerent) teneantur in Prisona nostra, & salvo custodiantur, ita quod non incurrant periculum vite vel membrorum occasione prisonæ nostræ. Illi vero qui mediis criminibus reſtati fuerint, & quibus competeret Judicium Ignis vel Aquæ, si non esset prohibitum, & de quibus, si regnum nostrum abjurarent, nulla fuerit postea malefaciendi suspicio, Regnum nostrum abjurent. Illi vero qui minoribus reſtati fuerint criminibus,*

criminibus, nec de eis fuerit mali suspicio, saluos & se-  
curos plegios inueniant de fidelitate & pace nostra con-  
seruanda, & sic dimittantur in terra nostra. Cum  
igitur nihil certius providerit in hac parte Consilium  
nostrum ad præsens, relinquimus discretioni vestra hunc  
Ordinem prædictum observandum in hoc itinere vestro,  
ut qui personas hominum, formam delicti, & ipsarum  
rerum veritatem melius cognoscere poteritis, hoc Ordine  
secundum discretionem & Conscientias vestras in huius-  
modi procedatis, &c. In cuius Rei Testimonium, &c.  
Teste Domino P. Wintoniensis Episcopo apud West. 26 die  
Jan. Anno regni nostri tertio. Per eundem & H. de  
Burgo Justiciarium. See Spelman at large upon  
this Subject, verbo Ordalium, Co. lib. 9. de strata  
Marcella, and the Saxon Dictionary. See Fire Or-  
dale, and Water Ordale.

**Ordels, Oaths and Ordels**, Was Part of the  
Privileges and Immunities granted in old Char-  
ters, meaning the Right of administering Oaths,  
and adjudging Ordeal Trials within such a Pre-  
cinct or Liberty — Abbas & Conventus Glaston  
per omnes terras suas habent focam & sacum, hundred  
setene, Othes & Ordels, calde bodes, &c. Chartu-  
lar. Abbat. Glaston. MS. f. 87. a.

**Ordinate**, A Book containing the Manner of  
performing Divine Offices; In quo ordinatur Mo-  
dus, &c.

**Ordinance of the Forest**, *Ordinatio Foresta*, Is a  
Statute made touching Forest Causes, in the Thirty-  
fourth Year of Edw. 1. See *Affise*.

**Ordinance of Parliament**, The same with *Aff*  
of Parliament. And Acts of Parliament are called  
Ordinances of Parliament often in the Parliament-  
Rolls. If there be any Difference, it is, that an  
Ordinance is but temporary, and to be altered by  
the Commons alone. But an Act is a perpetual  
Law, and cannot be altered but by King, Lords,  
and Commons. See *Par. Roll.* 37 E. 3. num. 38.  
*Pryn's Animadver.* in 4 Inst. 13. Yet the Oracle  
of the Law, Sir Edw. Coke, does with many Ci-  
tations assert, that an Ordinance of Parliament is to  
be distinguished from an Act, inasmuch as the  
latter can be only made by the King, and a three-  
fold Consent of the Estates, whereas the former  
is ordained with One or Two of them.

**Ordinarius, Ordinarius**, Is a Civil Law-Term,  
and there signifies any Judge that hath Authority  
to take Cognizance of Causes in his own Right,  
as he is a Magistrate, and not by Deputation;  
but in the Common Law, it is taken for him that  
hath exempt and immediate Jurisdiction in Causes  
Ecclesiastical, as appears in *Co. lib. 9. fol. 36.*  
*Hensloe's Case.* And the Statute of *Westm. 2. cap.*  
*19. 31 E. 3. cap. 11. and 21 H. 8. cap. 5. Co. 2*  
*Inst. cap. 19.* See *Broke, hoc tit. and Lindeuode* in  
*cap. Exterior.* Tit. De constitutionibus, verbo *Ordina-*  
*rii*, saith, *Ordinarius habet locum principaliter in Episcopo,*  
*& aliis superioribus, qui soli sunt universales in*  
*suis jurisdictionibus, sed sub eo sunt alii Ordinarii,*  
*viz. quibus competit Jurisdictio ordinaria de jure, pri-*  
*villegio, vel consuetudine, &c.*

**Ordinatio contra servientes** Is a Writ that  
lieth against a Servant, for leaving his Master &  
against the Statute. *Reg. Orig. fol. 189.*

**Ordines**, A general Chapter, or other solemn  
Convention of the Religious of such a particular  
Order — *Et in solutiis Fratribus Roberto Law-*  
*ton & Willielmo Meriton pro suis expensis versus*  
*ordines existentes apud Hygham Ferres ante Festum*  
*S. Michaelis hoc anno vii Sol.* Paroch. Antiquit.  
p. 576.

**Ordines majores & minores**, The Holy Or-  
ders of Priest, Deacon, and Sub-Deacon, any

of which did qualify for Presentation and Ad-  
mission to an Ecclesiastical Dignity or Cure,  
were called *Ordines majores*; and the inferior Or-  
ders of Chantor, Psalmist, Ostiary, Reader,  
Exorcist, and Accolyte, were called *Ordines mi-*  
*nores*: For which the Persons so ordained had  
their *Prima Tonsura* different from the *Tonsura*  
*Clericalis*.

**Ordinum Fugitivi**. Those of the Religious  
who deserted their Houses, threw off their Hab-  
it, and so renounc'd their particular Order, in  
Contempt of their Oath and other Obligations.  
The Favouring and Protecting such Fugitives  
was charged on Thomas, Earl of Lancaster —  
*Ordinum fugitivos, legisque transgressores, ne lege*  
*plestentur, pertinaciter favere.* — Paroch. Antiquit.  
p. 388.

**Ordoo** Is taken for that Rule which the Monks  
were obliged to observe. In *Eadmer. vita S. An-*  
*selmi, cap. 77.* Hac & his similia Novitius dicit, dum  
*Ordo imprimis illi gravis videtur.*

**Ordoo Albus**, The White Friars. These were  
of the Order of St. Augustine. The Cistercians also  
wore White. Of the Black Monks I find it thus  
verified:

*Sunt tria nigrorum quæ vastant res Monachorum,*  
*Renes & venter, & pocula sumpta frequenter.*

**Ordoo niger**, The Black Friars. *Sub norma*  
*Benediti famulantes*; as *Ingulphus* tells us, pag. 851.  
and *Mat. Paris. pag. 321, 514.* The Cluniacs also  
wore Black.

**Ordobices**, North Wales.

**Ordea**. — *Et unum Messuagium ad Orea sua fa-*  
*cienda.* Mon. Angl. 2 Vol. fol. 265. a.

**Ordest**, In the Charter of Henry the First, to  
the Church of St. Peter in York — *Decanus &*  
*Capitulum habebant curiam suam & justitiam cum*  
*focco & sacca, Tbol & Theam & Infangenboef, &*  
*Uisfangentboef, Flemenesriib, Ordell, & Orest infra*  
*tempus & extra, cum omnibus aliis immunitatibus,*  
*&c.* MS.

**Ordeum, Horreum**, A Barn — *Et unum Mes-*  
*suagium ad Orea sua facienda,* 2 Vol. Dug. Monast.  
265. a.

**Orfgild**, alias Cheapgeld, (from the Saxon  
*Orf*, Pecus, and *Gild*, solutio vel Redemptio,) Is a  
Delivery or Restitution of Cattle. But Lambard  
says, 'tis a Restitution made by the Hundred or  
County, of any Wrong done by one that was in  
Pledge. *Archa. pag. 125.* Or rather a Penalty  
for Taking away of Cattle.

**Orfates**, (*Aurifrisum*, i. e. *Vestis acupicta au-*  
*reis filis*), Frizled or embroidered Cloth of Gold,  
made and used in England, both before and since  
the Conquest, worn by our Kings and Nobility,  
as appears by a Record in the Tower, where the  
King commands the Templers to deliver such  
Jewels, Garments, and Ornaments, as they had  
of his in Keeping, among which he names *Dal-*  
*maticum velatum de Orefreis*, i. e. a Dalmatick, or  
Garment, guarded with Orfaies. And of old the  
Jacquets or Coat-armours of the King's Guard  
were also termed *Orfaies*, because adorn'd with  
such Goldsmith's Work.

**Orgallous**, But more truly *Orguillous*, that is,  
proud and high minded; derived from the French  
*Orgueil*, i. e. *Pride*.

**Orgeps**, 32 E. 2. Stat. 3. cap. 3. Is the great-  
est Sort of North-Sea Fish, (for the Statute says  
they are greater than Lob-fish) which we now  
call



call *Organ-Ling*, corruptly from *Orkney-Ling*, because the best are near that Island.

*Orgilde*, *i. e.* Without Recompence. The Meaning is, where no Satisfaction was to be made for the Death of a Man killed; that is, he was lawfully slain. *Si hoc inueritet, jaceat Orgilde.*

*Originalia*. In the Treasurer's Remembrance Office, in the Exchequer, are Records or Transcripts sent thither out of the Chancery, and are distinguish'd from *Recorda*, which contains the Judgments and Pleadings in Suits tried before the Barons of that Court.

*Oriolum*, *i. e.* A Poreh or Court-yard. *Nisi in refectorio vel Oriolo pranderet.* Mat. Paris. 1251.

*Orlagium*, *Horologium*, A Dial. In *compotis Ecclesie S. Paulinæ*, London—*Custodi Orlagii per annum 1 Marc.*—Ex libro Statut. *Eccle. Paul.* London. MS.

*Orped*. Some *Orped Knight*, *i. e.* A Knight whose Clothes shined with Gold.

*Ortelli* Is a Word used in the Book termed *Pupilla oculi*, cap. *De Chart. Forest.* part 5. cap. 22. and signifies the Claws of a Dog's Foot, being taken from the French *Orteils des pieds*, *i. e.* *digiti pedum*, the Toes.

*Ortolagium*—*Pro uno Ortolagio & Nonna garba totius Lucrationis de Domino de B. Monast.* Angl. Tom. 1. A Garden-Plot.

*Oryal*, *Oriolum*—*Ordinatio pro victu Fratris Johannis Afsheli dudum Prioris de Daventre facta 22 Octob. 1420.*—*Habeat cameram quandam in eodem Prioratu vulgariter appellatam ly Oryal*—

*Et habent annuatim 40 Sol.*—*Collectan.* Matth. Hutton, S. T. P. *Ex Registris Ric. Flemmyng*, Ep. Linc. MS.—*Adjacet atrium nobilissimum, quod porticus vel Oriolum appellatur.* Mat. Paris. in vitis Abb. S. Albani. We may justly presume that *Oriel* or *Oryal* College in Oxford took Name from some such Room, or Portico, or Cloister.

*Osculum pacis*. It was a Custom formerly in the Church, that in the Celebration of the Mass, after the Priest had consecrated the Wafer, and spoke these Words, *viz. Pax Domini vobiscum*, that the People kissed each other; and this was called *Osculum pacis*. Afterwards, when this Custom was abrogated, another was introduced, *viz.* That whilst the Priest spoke these Words, a Deacon or Subdeacon offered the People an Image to kiss, which was commonly called *Pacem*. We read it in *Mat. Paris. Anno 1100. Regem duxerunt ad offerendum & iterum reduxerunt ad pacem.*

*Osmonds*, or *Osmunds*, (*Anno 32 Hen. 8. cap. 14.* and I find in *Spelman's Gloss.* Mention of a Last of *Osmonds*.) Is a Kind of Ore, or Iron-stone, assuming the Nature of Iron, and it seems was anciently brought into England.

*Ostensio* Was a Tribute paid by Merchants for Leave to shew or expose their Goods to Sale in Markets. *Qui per terras ibant ostensionem dabant & teloneum.* Leg. Ethelred. cap. 23.

*Ostium Garionis*, *Yarmouth*.

*Oswald's Law*, By which was meant the Ejecting marry'd Priests, and Introducing Monks into Churches, by *Oswald Bishop of Worcester*, Anno 964.

*Oswald's Law Hundred* Is an ancient Hundred in *Worcestershire*, so called of *Oswald*, Bishop of *Worcester*, who obtained it of King *Eadgar*, to be given to *St. Mary's Church* there. It comprehends 300 Hides of Lands, and is exempt from the Jurisdiction of the Sheriff. *Cam. Brit. Tit.*

*Worcestershire*. See the Charter in *Spelm. Councils*, 1 Tom. fol. 432. and the *Leiger-Book of Worcester* in *Bibl. Cotton*.

*Osmestre*, A Town in *Shropshire*, so called from *St. Oswald*, who was overcome in Battle, and killed there by *Penda*.

*Otho* Was a Deacon-Cardinal of *St. Nicholas*, in *carcere Tulliano*, a Legate for the Pope here in England, 22 H. 3. whose Constitutions we have at this Day. *Stow's Annals*, pag. 303.

*Othobonus* Was a Deacon-Cardinal of *St. Adrian*, and the Pope's Legate here in England, 15 H. 3. as appeareth by the Award made betwixt the said King and his Commons at *Kennswerth*; his Constitutions we have at this Day in Use.

*Duch*, 24 H. 8. 13. A Kind of Collar of Gold, worn by Women about their Necks. It is sometimes also used for a Bos or Button of Gold set with some rich Stone.

*Owelyty of Services* Is Equality of Services; as, when the *Tenant Paravail* owes as much to the *Mesn*, as the *Mesn* does to the *Lord Paramount*. *Fitz. Nat. Br. fol. 136.* So *Owelyty of Partition*. *Coke on Littl. fol. 169.*

*Overt*. Words which begin or end with *Over*, and are Names of Places, signify a Situation near the Bank of some River; from the Saxon *Ofer*, *Ripa*; as, *St. Mary-Over* in *Southwark*, *Brownfouer* in *Warwickshire*.

*Overtcept* Is a Saxon Word, and signifies a Person convicted of a Crime: From the Sax. *Ofer*, *Super*, and *Cythan*, *offendere*. 'Tis mentioned in the Laws of *Edw. apud Brompton*, p. 836.

*Overtbernissa*, *i. e.* A Contumacy or Contempt of the Court. Sometimes it signifies a Forfeiture for such Contempt. In the Laws of *Adelstan*, c. 25. it signifies Contumacy, *viz. Si quis Gemotum adire supersedeat, ter emendet Overhernissam*. In a Council held at *Winchester*, Anno 1027, it signifies a Forfeiture for such a Contempt, *viz. Si autem (tertio vocati) post excommunicationem ad satisfactionem venerint, forisfacturam suam quæ Anglice vocatur Oversewenesse seu Lashlite, pro unaquaque vocatione Episcopo suo reddant.* See *Leg. Ethelred. cap. 27.*

*Overtsamessa*, *Si quis furi obviaverit, & sine vociferatione gratis eum dimiserit, emendet secundum Weram ipsius furis, vel plenam lada se adlegiet, quod cum eo falsum nescivit: Si quis audito clamore supersedit, reddat Overtsamessa regis, aut plene se laudiet.* Lib. rub. cap. 36. This seems to have been an ancient Penalty or Fine (before the Statute for *Hue and Cry*) laid upon those, who, hearing of a Murder or Robbery, did not pursue the Malefactor. 3 *Inst. fol. 116.*

*Overt Act*, *Factum apertum*, An open Act, Co. 3 *Inst. fol. 12.* which must be manifestly proved.

*Overt Word*, An open plain Speech; derived from the French *Overt*, *open*, Anno 1 *Mar. Sess. 2. cap. 3.*

*Oviale* for *Ovile*. *Mat. Paris. sub anno 1354.*

*Ourlap*, The *Leirwise* or Fine paid to the Lord by the inferior Tenant, when his Daughter was corrupted or debauched.—*Nativi in villa de Wridthorp—solvit quilibet pro filiabus suis maritandis gersem Domino, & Ourlap pro filiabus correptis, & Stoth & alia servitia & auxilium.* Petr. Blef. *Contin. Hist. Croyland*, p. 115.

*Ouster*, Derived from the French *Ofer*, to remove, as ousted of the Possession, that is, removed or put out of Possession. *Mich. 9 Car. 1. Cro. 3 Rep. fol. 349. Pocke's Case.*

**Ouster le maine**, *Amovere manum*, Signifies to take off the Hand, though in true French it should be *Ouffer la main*; in a legal Sense, it denotes a Judgment given for him that traversed or sued a *Monstrans le droit*, and is indeed a Delivery of Lands out of the King's Hands; for when it appeareth upon the Matter discussed, that the King hath no Right or Title to the Thing seised, then Judgment shall be given in the Chancery, That the King's Hands be amoved, and thereupon an *Amoveas manum* shall be awarded to the Escheator, which is as much as if the Judgment were given, that he shall have again his Land. *Staundf. Prærog. cap. 24.* See 28 E. 1. Stat. 3. cap. 19. It was also taken for the Writ granted upon this Petition. *F. N. B. fol. 256.* It is written *Ouster le maine*. 25 H. 8. 22. But now all Wardships, Liveries, Primer Seilins, and *Ouster le mains*, &c. are taken away and discharged by 12 Car. 2. cap. 24.

**Ouster le mer**, *Ultra mare*, Is a Cause of Excuse or Essoin, if a Man appear not in Court upon Summons, for that he was then beyond the Seas. See *Essoin*.

**Outfangthes** Is thus defined by *Bracton, lib. 3. tract. 2. cap. 34.* *Utfangthesse dicitur latro extraneus veniens aliunde de terra aliena, & qui capus fuit in terra ipsius qui tales habet libertates*: But *Britton* hath it otherwise, fol. 91. It is a Compound of Three Saxon Words, viz. *Out*, *extra*; *Fang*, *capio vel captus*, and *Thes*, i. e. *fur*. It is used in the Common Law for a Liberty or Privilege, whereby a Lord is enabled to call any Man dwelling within his own Fee, and taken for Felony in any other Place, and to Judge him in his own Court. *Rastall's Exposition of Words*, and 1 & 2 Ph. & Mar. cap. 15.

**Outland**, The Saxon *Thanes* divided their *Bocland* or hereditary Estate into *Inland*, such as lay nearest to their own Dwelling, and which they conveniently kept to their own Use: And *Outland*, which lay beyond, or out from among the *Inlands* or *Demains*: And was granted out to any Tenant hereditarily, but (like our Copyholds of ancient Time, which had their Original from hence) merely at the Pleasure of the Lord. This *Outland* they subdivided into Two Parts, whereof one Part they disposed among such as attended on their Persons either in War or Peace, called *Theodens* or lesser *Thanes*. The other Part they allotted to their Husbandmen, whom they termed *Ceorls* (i. e. *Carles* or *Churls*). Vide *Spelman of Feuds*, cap. 5.

**Outlaw**, *Utlagatus*, One deprived of the Benefit of the Law, and out of the King's Protection, *Eleta, lib. 1. cap. 47.* calls him *Bannitum extra legem*, and *Bracton, lib. 3. tract. 21. cap. 11. num. 1.* & 3. says, *Forisfacit utlagatus omnia quæ pacis sunt, quia a tempore quo utlagatus est caput gerit Lupinum, ita quod ab omnibus interfici possit & impune; maxime si se defenderit vel fugerit, ita quod difficilis sit ejus captio*: But in the Reign of Edward the Third, all the Judges agreed, That none but the Sheriff only, having lawful Warrant therefore, should put to Death any Man outlawed. *Co. on Lit. fol. 128* See *Utlawry*, and *Capias utlagatum*.

**Outlawry**, *Utlagaria*, Is the Loss of the Benefit of a Subject, that is, of the King's Protection. See *Utlawry*.

**Outparters**, (*Anno 9 H. 5. cap. 8.*) A Kind of Thieves in *Riddefdale*, that stole Cattel, or other Things without that Liberty: Some are of Opi-

nion, That those which in the forenamed Statute are termed *Outparters*, are now called *Outputers*, being such as set Marches for the Robbing any Man or House. See *Intakers*.

**Outriders**, Are Bailiffs errant, employed by the Sheriffs, or their Deputies, to ride to the farthest Places of their Counties or Hundreds, with the more Speed to summon such as they thought good, to their County or Hundred Courts. 14 E. 3. Stat. 1. cap. 9.

**Outwaile**, i. e. A mournful Thing; as, *Now am I made an unworthy Outwaile*.

**Owdel**. See *Ordeal*.

**Owelyty** Is, when there is Lord, Mesne, and Tenant, and the Tenant holds of the Mesne by the same Service that the Mesne holds over of the Lord above him; this is called *Owelyty* of Services. See *Owelyty*.

**Oxgang of Land**, *Bovata terra*. Six Oxgangs of Land, is so much as Six Oxen can plough. *Crompt. fur. fol. 220.* But an Oxgang seemeth properly to be spoken of such Land as lieth in *Gaynour*. *Old. Nat. Brev. fol. 117.* *Skene de verb. signif. verbo Bovata terra*, saith, That an Oxengate of Land should always contain Thirteen Acres, and that Four Oxengates extend to a Pound Land. *Spelman* says, *Bovatus terra est quantum sufficit ad iter vel actum unius bovis*. Ox enim est bos & gang vel gate, iter. See *Co. on Lit. fol. 69.* In *Lincolnsire* they corruptly call it an *Oskin* of Land.

**Oyer** Seems to have been anciently used for what we now call *Affises*.—Come *Harwife de Veer meym impleda devant Justices en le Oyer de Chelmsford par un brief de Novel Disseisin*, &c. Anno 13 Edw. 1. See *Affise de Novel Disseisin*.

**Oyer and Terminer**, *Audiendo & terminando*: In true French, *Ouir & Terminer*, Is a Commission especially granted to some eminent Persons, for the Hearing and Determining one or more Causes: This formerly was used only upon some sudden Outrage or Insurrection in any Place, *Crompt. fur. fol. 131, 132.* *Westm. 2. cap. 29.* 13 E. 1. by which you may see who might grant this Commission, and for the Form thereof, and to whom it may be granted, *F. N. B. fol. 100.* and *Broke, hoc. tit.* A Commission of *Oyer and Terminer* is the first and largest of the Five Commissions by which our Judges of *Affize* do sit in their several Circuits. In our Statutes it is often printed *Oyer and determiner*. See 4 *Inst. fol. 162.*

**Oyer de Record**, (*Audire Recordum*), Is a Petition made in Court, that the Judges, for better Proof-sake, will be pleased to hear or look upon any *Reord*. So likewise to demand *Oyer* of a Bond, Deed or Covenant.

**Oyer**, Corrupted from the French *Oyez*, i. e. *Audite*, Hear ye, is known to be used by our Cryers, as well in Courts as elsewhere, when they make Proclamation of any Thing.

## P.

**Paagium**, *Matt. Paris. fol. 767.* *Fecit equos meos & homines restare donec Paagium extorisset*. *Spelman* thinks it should be read *Passagium* sive telonium exactum pro transitu per alterius ditionem.

**Pacabilis**, Payable, passable.—*Johannes de Elvlec, Prior de Kirkham habet unum Palfridum & unum summarium pro se, ad quorum prebendam recipiet duodecim quarteria bonæ & pacabilis acerie, & sufficientem*

sufficientem equitaturam pro Capellano suo. xj. Kal. Jun. 1510. Ex Regist. Grenfeld, Archiep. Ebor. MS.

**Pacare**, To pay. As, tolnetum pacare, to pay Toll. Mon. Angl. Tom. I. p. 384. Hence

**Pacatio**, Payment. — Pannos sericos & alia rapit sine pacationis retributione. Mar. Paris. sub Anno 1248.

**Paceatur**. Leg. Inæ, cap. 45. Et recipiet Agenfrida corium ejus, & carnem, & paceatur de catering; i. e. Let him be free or discharged for the Time to come.

**Pacificatio** (Pacificatio), Anno 17 Car. I. c. 17. A Peace-making, Quieting, or Appeasing; relating to the Wars betwixt England and Scotland, Anno 1638.

**Pack of Wool** Is a Horse-load, which consists of Seventeen Stone, and Two Pound. Fleta, l. 2. cap. 12. See Sarplar.

**Packers** Are those that barrel, or pack up Herrings, and they are sworn to do it according to the Statute made 15 Car. 2. cap. 14.

**Packing whites**, A kind of Cloth so called, mentioned 1 R. 3. cap. 8.

**Padrage**. Idem quod Pannagium. Vid. Chartam Regis Hen. 1. Ecclesia S. Martini de Bello.

**Pagments**, A Frize Cloth, mentioned in the Journal-Book of the House of Lords, in a Statute made 1 Eliz. not printed.

**Pagus**. This Word in old Records signifies a County, viz. Natus est Alfred Rex Anglo-Saxonum in villa Regia que dicitur Wanading (now Wantage) in illo pago qui nominatur Barroscire (now Berkshire) qui pagus taliter vocatur a Barroc silva, ubi buxus abundantissime nositur: Asler, de Reb. gest. Anglor.

**Paiare**, i. e. To pay. In Stat. W. 2. cap. 46. Honestius est quod Pralati paiant pro superiori indumento, quam exeunt.

**Paine fort & dure**, Poena fortis & dura. It signifies an especial Punishment for those that being arraigned of Felony, refuse to put themselves upon the ordinary Trial of God and the Country, and thereby are mute by the Interpretation of the Law. Britton mentions it in his fourth Chapter, fol. 11. And Staundford in his Pleas of the Crown, founding it upon the Statute of Westm. 1. cap. 12. describes it thus:

He shall be sent back to the Prison whence he came, and laid in some low, dark House, where he shall lie naked on the Earth, without any Litter, Rushes, or other Clothing, and without any Rayment about him, but only something to cover his privy Members: And he shall lie upon his Back with his Head covered and his Feet, and one Arm shall be drawn to one Quarter of the House with a Cord, and the other Arm to another Quarter; and in the same Manner let it be done with his Legs; and let there be laid upon his Body Iron and Stone as much as he may bear, or more; and the next Day following he shall have three Morfels of Barley bread without Drink, and the second Day he shall have Drink three times, as much at each Time as he can drink of the Water next unto the Prison, except it be running Water, without any Bread: And this shall be his Diet till he die.

This Kind of Punishment, called by the Law Paine fort & dure, is that which we vulgarly call Pressing to Death.

**Pais**, A County, or Region; Trial per Pais, which, Spelman in his Glossary saith, Non intelligit-

dum est de quovis populo, sed de compagensibus, hoc est eorum qui ex eodem sunt comitatu, quem majores nostri pagum dixere & incolas; inde pais, g in i vel y converso.

**Paisso**, Pannage, or Liberty for Hogs to run in Forests or Woods to feed on Mast — In Achellia 30 Acres terra & paissonem centum porcorum, & communem pasturam, &c. Mon. Angl. Tom. I. p. 682. See Pessuna.

**Palagium** Is a Duty to the Lords, for exporting and importing Vessels of Wine in any of their Ports, viz. Quieti de omni teloneo & passagio, pasnagio, cobuagio, pallagio, &c. Du Cange.

**Palatine**. See County-Palatine; and read Cassan. de Consuetud. Burg. pag. 14.

**Palfrey**, Palfredus, Palafredus, Palefredus, Palfredus, Is one of the better Sort of Horses used by Noblemen or others, for State: And sometimes of old taken for a Horse fit for a Woman to ride. Camden says, That W. Fauconberge held the Manor of Cukeny in the County of Nottingham, in Sergeanty, by the Service of shooing the King's Palfrey, when the King shall come to Mansfeld. See Co. on Lit. fol. 149.

**Palfrey Silver**. Custumam ibidem (speaking of Belvoir Castle) vocant Palfrey Silver, que levare debet annuatim de villis de Batelsford, Normanton, Herdeby, &c. Escaet. 23 E. 3. Post mortem Gel. de Roos de Hamlake.

**Palicea**, a Park-Pale. Q. Elizabeth granted Wigmore Park to Tho. Crompton, and others, cum omnibus paliceis, muris, &c. Pat. 43 Eliz. p. 4.

**Palingman** (Anno 22 Ed. 4. c. 23. and 11 H. 7. cap. 23.) Seems to be a Merchant Denizen, one born within the English Pale. But Dr. Skinner judges it to signify a Fishmonger, or Merchant of Fish; and I find the Word mentioned in an ancient MS. touching the Customs of the City of London, under the Title De Salmonibus vendendis. Spelman mentions this Word, but leaves it without Interpretation.

**Palla**, A Canopy. — Custodibus vero quinque portuum pallam super Regem cum quatuor hastis supportantibus. Mat. Par. sub Anno 1236. The Word was oft taken for an Altar-cloth, as — Henricus Abbas Glaston. temp. Hen. 1. dedit Ecclesia isti ornamenta satis pretiosa, videl. pallas ix. optimas, quarum quadam erant de diaspre, quadam de samito. Chartular. Glaston. MS. f. 12.

**Pallicia**, Pales, or paled Fence. — Firmarii maneriorum Ecclesia S. Pauli, London, curare tenentur — ut maneria sufficienter circumlaudentur vel ambiantur muro, vel saltem fossatis & bagis vivis, si fieri possit, alioquin sepibus vel palliciis oportere renovandis. Statut. Eccl. Paul. Lond. MS. f. 44. b.

**Pallio cooperire**. It was a Custom formerly, That where Children were born out of Wedlock, and their Parents afterwards intermarried, that those Children, together with the Father and Mother stood under a Cloth extended whilst the Marriage was solemnized, which was in the Nature of Adoption, and signified a Legitimation. This is mentioned in an Epistle of Robert Groshead, the famous Bishop of Lincoln, who tells us, That it was an old Report, that by such Custom the Children were taken to be legitimate; and that in signum legitimacionis nati ante matrimonium consueverunt poni sub pallio super parentes eorum extento in matrimonii solemnizatione: Which Epistle is mentioned by Mr. Selden, in his Notes upon Fleta, who likewise tells us, That in the Reign of R. 2. the Children of John of Gaunt, Duke of Lancaster, which he had before his Marriage by Catherine

*Swinford*, tho' they were made legitimate by Act of Parliament, yet they were covered with the *Pall* at the very Time of the Marriage of their Parents.

*Pallium* Is in many Places taken for the Silk with which Garments were made: 'Tis a Word often mentioned in our old Historians, but little understood at this Time. *Durandus*, in his *Rationale*, tells us, that it is made of white Wool, viz. The *Nuns* of *St. Agnes* every Year, on the Feast-Day of their Saint, offer two white Lambs on the Altar of their Church, whilst they sing *Agnus Dei* in a solemn Mass; which Lambs are afterwards taken by two of the Canons of the *Lateral* Church, and by them given to the Pope's Subdeacons, who put them to Pasture till Shearing-time, then they are shorn, and the *Pall* is made with their Wool mixed with other white Wool. 'Tis a Garment of three Fingers Breadth, cut round, that it may cover the Shoulders: It hath two Strings on each Side, before and behind; that on the right Side is single, but that on the left is double. It hath likewise four purple Crosses on the Right and Left, before and behind; and 'tis fastened with three Pins made of Gold, whose Heads are *Saphire*. The *Pall* thus made, is carried to the *Lateral* Church, and there placed on the High Altar by the Deacons of that Church, on the Bodies of *St. Peter* and *St. Paul*: And after the usual Watching, 'tis carried away in the Night, and delivered to the Subdeacons, who lay it up very safe.

And because it was taken from the Body of *St. Peter*, it signifies the Plenitude of Ecclesiastical Power, and therefore it was the Prerogative of Popes, who pretend to be the immediate Successors of that Saint, to invest other Prelates with it, which at first was done no where but at *Rome*; but afterwards, by Procuration, in other Places in this Form, viz. *Instante, instantius & instantissime in Consistorio a summo Pontifice expetitur*.

*Pallii*, *Pallia*, 25 H. 8. 20. Are Vestures made of Lambs Wool; in Breadth not exceeding three Fingers; and having two Labels hanging down before and behind, which the Pope gives or sends to Archbishops and Metropolitans, who wear them about their Necks, at the Altar, above their Ornaments. The *Pall* was first given to the Bishop of *Ostia*, by Pope *Marcus* the Second, Anno 336. And the Preface to an antient Synod here in *England*, wherein *Odo*, Archbishop of *Canterbury* presided, begins thus—*Ego Odo humilis & extremus, divina largiente clementia, almi Presulis & Pallii honore ditatus, &c.* *Selden's History of Tithes*, pag. 17. See more of this in *Spelman's Glossary*, verbo *Pallium*. See *Cressy's Church History*, fol. 972. and the Book called *Blamyr* in the Prerog. Office; and *Sir Rog. Twissden's Hist. Vindication*, fol. 41.

*Palmale Wordium*. — *H. Prior Ecclesie Christi Cant. & Conventus dimiserunt Alano de Pundberd molendinum in Rokinge* — reddendo inde per annum de feodi firma sex summas ordeï palmalis pretii melioris ordeï exceptis duobus denariis — *Dat. Anno 1287. Reg. Eccl. Christi Cant. MS.* This *Palm-Barley* is the Sprat-Barley, called in some Parts *Beer-Barley*, in others *Battled-Barley*, and in the Marches of *Wales*, *Cymridge*: It is fuller and broader than common Barley.

*Palmata*, A Handful. *Johannes Rex. Sciatis nos pro amore Dei concessisse* — *Leprosi S. Egidii de Salopesbiria, quod habeant Palmatas bladi & farinæ de omnibus faccis, qui cum blado & farina expo-*

nuntur ad vendendum in mercato Salopesbirie, tam diebus mercati, quam aliis, sicut eas habuerunt tempore Henrici Regis, Patris nostri, de dono & elemosyna ejusdem Regis, sc. de unoquoque sacco bladi Palmatum duarum manuum, & de sacco farinæ Palmatum unius manus, sicut eas habuerunt de dono & elemosyna predicti Regis, diebus suis, & sicut eas modo habent & habere debent. Quare volumus, &c. *Dat. per manum S. Præpositi Beverlaci, & Archid. Wallensis apud Wodestoke, xix die Marcii, Anno Regni nostri Quinto.*

*Palmata*, alias *Palmada*, A Blow upon the Hand with a *Ferrula*, a Thing frequently used in Schools. *Beda de remedio peccatorum*, cap. 14. *Si quis intinxerit manum in aliquo cibo, & non idonea manu, centum Palmadis emendetur.*

*Palmer* Are such as used to go in Pilgrimage out of Devotion; but of late Time, he that can deceitfully cozen at Cards or Dice, by keeping some of them in his Hands unseen, we call a *Palmer*.

*Palmystry*, (1 P. & M. cap. 4.) A Kind of Divination, practised by looking upon the Lines and Marks of the Fingers and Hands. This was practised by the *Egyptians*, mentioned in the said Statute, and there misprinted *Palmystry*.

*Panagia*, *Quasi panis ægyptiæ*, Holy Bread. *Reg. Eccles. Hereford differentias referens Orientalis Eccles. à Romana*, Artic. 10. *Item (dicunt Græci) panem nostrum Panagium.*

*Pandects* Are the Books of the Civil Law, compiled by *Justinian*: They are mentioned in *Beda*, and several other Historians of this Nation: *Tres Pandectas nova translationis de Roma attulerit. Bede*, cap. 15.

*Pandorando*. *Concessi etiam ei cum cacubo suo proprio Pandoxando & Lotrando ubicunque poterit. Carta Walteri Muchegros sine Dat. 1.* Liberty to Brew and Wash in his own Kettle.

*Pandoratrix*. In a Manuscript Book concerning the Laws, Statutes, and Customs of the free Borough of *Mountgomery*, from the Times of *Hen. 2.* fol. 12. b. we read these Words, *Item utimur de Pandoxatricibus, quod nemo potest brasiare sive pandoxare in Villa & Burgo nostro nisi per redemptionem aliquam factam ad voluntatem Comburgensium nostrorum; & si talis Pandoxatrix brastaverit, & assisam Domini nostri Regis in Burgo & Villa positam & proclamatam fregerit, debet capi per Ballivos, amerciari ad voluntatem Ballivorum nostrum, & non per pares suos primo & secundo; & si tertia vice Assisam fregerit, debet capi per Ballivos capitales, & publice duci ad locum ubi situatur le Gogingstole, & ibi debet eligere unum de duobus, viz. An velit le Gogingstole ascendere, An illud judicium redimere ad voluntatem Ballivorum.* In *Goldman's Dictionary* *Pandox* is made to signify a Drunkard, and *Pandoxatorium* a Brew-house; but in this Place it seems to signify an Ale-wife, that both brews and sells Ale and Beer.

*Panell*, *Panella*, vel *Panellum*, so written both by *Fortescue*, in his Book *De Laudibus Legum Ang.* cap. 25. and *Co. on Lit.* pag. 158. who says, It denotes a little Part. But the learned *Spelman*, in his *Glossary* says, *Hoc est minus congrue*: It properly signifying *Schedula*, vel *Pagina*, or rather *Pagella*, a Schedule, or Page; and thence deduces *g* in *n* transeunte: *Sic veteres quidam Manifestat pro Magnificat.* Hence comes the Law-Term *Impanellare*, to impanel; and to impanel a *Fury*, that is, To write in a Schedule or Roll the Names of such Jurors as the Sheriff returns to pass upon any Trial. *Reg. Orig.* fol. 366. So we say, A Panel of *Parcb-*



*Parchment*, and the *Counterpane* of an *Indenture*. See 8 H. 6. cap. 12; and *Spelman*, verbo *Panella*.

*Panis Armigerorum*, i. e. The Bread distributed to Servants: *Infirmantibus administrat granaterius singulis diebus duos Panes Armigerorum*, &c. Mon. 1. pag. 420.

*Panis Bifus*, i. e. Coarse Bread: *Fejunans debet sedere in area ante mensam, & comedere Panem Bifum super scamnum sine panno*. Mon. 1. Tom. 420.

*Panetia*, A Pantry, or Place to set up cold Viands. *Custos bracinæ claves Panetiarum & celarii penes se custodiat, & liberationes supervideat*—Ex Registro Statutor. & Consuetud. Eccl. D. Pauli London. MS. f. 40.

*Panis*, Called *Blackwytlof*, Bread of a middle Sort, between white and brown, such as in Kent is called *Ravel-bread*. Nos *Williclmus*, Prior Elyen. & *Capitulum*—concessimus *Alicie Appiltone de Ely cotidianum corrodium infra scriptum, videl. unum panem vocat. Blakwhyrtlof per diem & unam mensuram cerevisie melioris conventus*, &c. Dat. 18 Apr. 1411.—Ex Cartular. Eccl. Elyen. penes Joh. Episc. Norwic. MS. f. 39. b. This was their coarser Bread, made for ordinary Guests, and distinguished from their *Household-loaf*, or *Panis Conventualis*, which was pure *Manchet*, or *White Bread*. See *Karite*.

*Panis militaris*, Hard Bisket, Brown George, Camp-Bread, coarse and black The Prior and Convent of *Ely* grant to *John Grove* a Corrody, or Allowance—*ad suum victum quolibet die unum panem monachalem*, i. e. A White Loaf, and to his Servant *unum panem nigrum Militarem*, i. e. A little Brown Loaf, or Bisket. Cartular. Elyen. MS. f. 47.

*Panis fortis & durus*, When a Felon upon his Trial stands mute, and obstinately refuses to plead, one of the Penalties imposed for Contempt of the Court, is to be condemn'd *ad panem fortem & durum*, i. e. To have only hard, dry Barley-bread, and Puddle-water, &c.

*Pannage*, or *Patonage*, *Pannagium*, Which is that Food that the Swine feed on in the Woods, as Mast of Beech, Acorns, &c. which some have called *Patones*: It is also the Money taken by the *Agitors*, for the Food of Hogs, with the Mast of the King's Forest. *Crompt. Jur. fol. 155. Westm. 2. cap. 25.* *Manswood* in his *Forest-Laws*, cap. 12. says, It is most properly taken for the Mast of the Woods within the Forest, or the Money due to the Owner of the same for it. *Lindewode* defines it thus, *Pannagium est passus pecorum in nemoribus, & in sylvis, utpote de glandibus & aliis fructibus arborum sylvestrium, quarum fructus aliter non solent colligi. Tit. de Decimis*; mentioned also 20 Car. 2. cap. 3. *Quisquis villanus habens 10 porcos, eat unum porcum in Pannagio. Domesday.* This Word is variously written, *Pannunagium*, *Panagium*, *Patnagium*, *Patnagium*, *Pannagium* & *Penagium*; and sometimes *Pasnagium*, from the French *Pasnag*. *Breve Regis Henrici 1. Lib. Rameiensis. Sect. 313.* *Henricus Rex Anglia Justiciariis & omnibus Baronibus & Fidelibus suis de Hunte-donshire, Salutem. Precipio quod Abbas de Ramefia teneat omnes boscos suos bene, & in pace, & quiete, & honorifice, sicut unquam melius tenuit; & nullos super hoc eos capiat vel invaset sine licentia Abbatis, & si quid ei debetur de Pannagio, reddatur ei juste; & si aliquis ei inde super hoc injuriam vel contumeliam fecerit, faciatis ei habere plenum rectum. Teste Milone Gloc. apud Winton; and Chart. 1. fundat. Waldens. Cœnobii, Clamo etiam quietum Panagium de*

*omnibus Dominicis porcis, &c.* See Mr. *Kennet's* Glossary in the Word *Pannagium*.

*Pannus*, a Piece or Slice of any Thing. *Sylvester Girald*, cap. 21. *Militis quoque Coxa ferro utrinque vestita uno securis ictu cum Panno lorice præcisa.*

*Pannus*, A Garment made with Skins, *Statutum fuit quod nullus habeat Pannos decisos & laceratos.* Ger. Dowb. Anno 1188. *Fleta*, lib. 2. cap. 14. Par. 2.

*Pantoneria*, A Sort of Purse: The Word is mentioned in *Fleta*, lib. 2. cap. 82. par. 2. It may be taken for *Pannateria*.

*Pape*, or *Pope*, *Papa*, May with Ease enough be derived from the old Greek Word *πάππας*, intending a Father, and was antiently applied to other Clergymen in the Greek Church, but by Usage is particularly appropriated in the Latin Church to the Bishop of Rome: A Name very frequent in our Year-Books, especially in the Times of those Kings who too much abandoning their Imperial Authority, and abasing themselves beneath their Estate, suffered an Alien, a Foreign Bishop, that dwelt a Thousand Miles distant, to deprive them of the Disposition of many Spiritual Promotions; sometimes by Lapse, sometimes by Provision, or otherwise: For Redress whereof, divers Statutes were made, while this Kingdom was of the Roman Communion: But his Power was not wholly taken away, till towards the latter End of King Henry the Eighth's Reign.

*Paper-Office*. All Acts of the Council-Board, Occasional Proclamations, Dispatches and Instructions for Foreign Ministers, Letters of Intelligence, and many other Publick Papers communicated to the King's Council, or the two Secretaries of State, are afterwards transmitted to the *Paper-Office*, wherein they are all disposed in a Place of good Security and Convenience within the King's Royal Palace at *Whitehall*. See Mr. *Nicholson's Engl. Hist. Libr. Part III. pag. 9.* Also an Office so called, belonging to the King's Bench.

*Par*, In Exchange of Money, is a certain Number of Pieces of the Coin of one Country, containing in them an equal Quantity of Silver to that in another Number of Pieces of the Coin of another Country, v. gr. Supposing 36 Shillings of Holland to have just as much Silver in them as 20 English Shillings. Bills of Exchange drawn from England to Holland at the Rate of 36 Shillings Dutch for each Pound Sterling, is according to the *Par*.—Mr. *Lock's* Considerations of Money, pag. 18.

*Paracium*, The Tenure that is between Parceners, viz. That which the youngest oweth to the eldest. *Domesday.*

*Paradisus* Is a square Court before Cathedrals, surrounded with Piazza's, or Walking-places, supported with Pillars. *Matth. Paris* calls it *Parvifus*, viz. *Multis diebus scholas exercens, venditis in Parvifio libellis.* Anno 1250.

*Parafredus*. See *Palfrey*.

*Parage*, (*Paragium*) Equality of Name, Blood, or Dignity; but more especially of Land, in the Partition of an Inheritance between Co-heirs: *Purparty.* *Coke's 1 Inst. fol. 166. b.* *Hanc terram tenere duo homines in Paragio. Domesday.* See *Parcinary*. Hence we have *Disparagement*, and *To disparage*.

*Paragium*, *Parage*, *Peerage*; commonly taken for the equal Condition betwixt two Parties to be contracted, or married. For the old Laws of England

**Parliamentum Religioſorum.** In moſt Convents they had a common Room, into which the Brethren withdrew after Dinner for Diſcourſe and Converſation; from whence it was called *Locutorium*, the Parlor, or Talking-Room: And the Conference there had was called *Parliamentum*, which was ſometimes forbidden to be held, becauſe it interrupted the more meritorious Duties of Silence and Meditation. As in the Statutes of the Black Canons, Anno 1249. *Cum quidam poſt prandium promiores ſint ad loquendum quod non prodeſt. Statutum eſt quod Parliamentum quod poſt prandium in quibuſdam clauſtris fieri conſuevit, penitus interdicitur, & loco ipſius vacetur uberius meditationibus & lectionibus repetendis.* Mat. Paris Additament. pag. 170.

**Par Lintheorum, Par Loianorum.** *Præcipimus tibi, quod facias habere Thoma Sturmy, Valetto noſtro, unam robam de ſcarletto, cum quadam penula de byſſis, & aliam robam de viridi vel burnetta, & unam ſellam, & unum Par Loianorum, & capam ad plumam, & unam culcitram, & unum Par Lintheorum, quoniam ipſe ſet Miles.* Clauſ. 6 Johannis. Dorſo. M. 20.

**Parmentarius.** I have ſeen it uſed in our Records for a Surname, as *Johannes Parmentarius*, perhaps as Latin for Taylor, from the old French *Parmentier*, which ſignifieth the ſame.

**Parochianus,** A Compellation given by a Biſhop to any Perſon living within his Dioceſe or Jurisdiction. *Alexander, Lincoln. Episcopus, Guidoni de Charing Parochiano ſuo. Paroch. Antiquit. p. 90.* For the Word *Parochia* was more properly applied to a Dioceſe, or Episcopical Diſtrict, before it was confined to rural Limits, or what we now ſtrictly call a Pariſh.

**Parol (Loquela),** Is a French Word. *Kitch. fol. 193.* uſes it for a Plea in Court. It is ſometimes joined with *Leaſe*, as *Leaſe-Parol*, that is, *Leaſe per Parol*; a Leaſe by Word of Mouth, to diſtinguiſh it from a Leaſe in Writing.

**Parpunctum, Perpunctum,** A Coat of Mail: A Doublet lin'd and quilted for Deſenſive Armour. *Armatus quidam erat more peditum ſatis competentem, ferreo tegmine capite munito, lorica quoque, tunica etiam linea multiplici conſuta lineis interioribus difficile pertrahendis, acu operante artificialiter implicitis, unde & vulgo Parpunctum nuncupatur.* Gaufr. Vincſauf. Iter Hieroſ. cap. 48.

**Parſon (Perſona)** Signifies the Rector of a Church. He is called *Perſona*, becauſe of his Office; for the Profits of the Church were to maintain *magnam perſonam*; or rather, becauſe he is bound by Virtue of his Office in *propria perſona ſervire Deo.* See *Bereſſarii.* See *Fleta, lib. 9. cap. 18. Charta Hugonis Puſac (alias Puſſey & de Puteaco) tempore Hen. 2. Hugo, Dei gratia Dunelmensis Episcopus, omnibus Archidiaconis ſuis, Clericis & Laicis Episcopatus ſui ſalutem. Sciatis nos ad præſentationem Roberti Capellani in Eccleſiam de Wittefeld, quæ in feudo ſuo ſita eſt, Canonice impersonaſſe Robertum nepotem ſuum. Quare volumus & præcipimus quatenus idem Robertus habeat & teneat Eccleſiam prænominatam libere & quiete, tam in decimis quam in cæteris obventionibus, ſicut aliqui Clerici liberius & quietius in Episcopatu noſtro Eccleſias ſuas tenent: Salvis in omnibus Episcopaliſus conſuetudinibus. Teſtibus, &c.* Endorſed thus, *Præſentatio Roberti de Wittefeld.*

**Parſonage, Perſonatus, Perſonagium,** Is ſometimes taken for a Dignitary in a Church, and ſometimes for the Benefice it ſelf; viz. *Nam poſt Episcopos & Abbates in Eccleſia Anglorum, hic pri-*

*mus & dignior perſonatus habetur.* And *Linderwode* 118. tells us, that *Perſonatus & dignitas vere ſupponunt pro eodem, licet in aliquibus locis Rectores Eccleſiarum vocentur perſona, & ſic habent perſonarum, non tamen dignitatem.* And in *Mon. Angl. 1 Tom. pag. 816. Pro illo novo edificio quod ipſe fecit in perſonagio de Daſebourg.*

**Impersonare,** to be put in Poſſeſſion of a Parſonage. In a Charter of *Hugh de Puifet*, Biſhop of Durham, we read, *Sciatis nos ad præſentationem Roberti Capellani in Eccleſiam de Weteſeild, quæ in feudo ſuo ſita eſt, Canonice impersonaſſe Robertum nepotem ſuum.*

**Parſonage, or Rectory,** Is a Spiritual Living, compoſed of Land, Tithes, and other Oblations of the People, ſeparated or dedicated to God in any Congregation for the Service of his Church there, and for Maintenance of the Miniſter, to whoſe Charge the ſame is committed. *Spelm. De non temerandis Eccleſ.*

**Parſon imarſoner, Perſona impersonata,** Is he that is in Poſſeſſion of a Church, whether appropriated, or not appropriated. For in the *New Book of Entries*, verb. *Ayd in Annuity*, you have theſe Words, *Et prædictus A. dicit quod ipſe eſt perſona prædicta Eccleſie de S. impersonata in eadem ad præſentationem F. Patroniſſe, &c.* So that *perſona* ſeems to be the Patron, or he that hath Right to give the Benefice, by Reaſon that before the *Lateral Council* he had Right to the Tithes, in reſpect of his Liberality uſed in the erecting and endowing the Church, *Quaſi ſuſtineret perſonam Eccleſie;* and *perſona impersonata*, to be he to whom the Benefice is given in the Patron's Right; for we may read in the *Register Judicial perſonam impersonatam*, for the Rector of a Benefice preſentative, and not appropriated, fol. 34. And *Dyer, fol. 40. Num. 72.* ſaith, That a Dean and Chapter be *perſons impersonæ* of a Benefice appropriated unto them; and fol. 221. expreſſly ſhews, That *perſona impersonata* is he that is inducted, and in Poſſeſſion of a Benefice. So that *perſona* ſeems to be termed *impersonata*, in reſpect of the Poſſeſſion that he hath of the Benefice or Rectory, be it appropriated, or otherwiſe, by the Act of another. *Co. on Lit. fol. 300.*

**Parſon mortal, Parſon immortal.** The Rector of a Church, inſtituted and inducted for his own Life was called *Perſona mortalis*; and any Collegiate, or Conventual Body, to whom the Church was for ever appropriated, were called *Perſona immortalis.* *Præſatus Simon, Rector Eccleſie de Cump-ton, & omnes ſucceſſores ejusdem, ſive perſonæ fuerint mortales, ſive immortales.* *Chartular. Rading. MS. fol. 182.*

**Parters of Gold and Silber.** See *Finers.*

**Partes finis nihil habuerunt, &c.** Is an Exception taken againſt a Fine levied. *Co. 3 Rep. fol. 88. The Caſe of Fines.*

**Particata tertæ.** See *Perticata terra.*

**Participatio** Is the Charity ſo called, by which the Poor are made *participes* of other Mens Goods. We may read it in ſeveral Places in the *Monast. 2 Tom. pag. 321. Et ad faciendum pro prædictis animabus tres participationes per annum, &c. quilibet eorum unum panem pretii unius quadrantis, & unum allec participationem unius milliariſ pauperum, &c. ordinavit, &c.* And in another Place: *Relaxamus, &c. prædicta onera dictarum trium participationum, &c. ita ut nunquam de cætero erogare teneantur, & volumus quod pro eiſdem participationibus faciant diſtributionem 13 ſolidorum.*

**Particus.** The same with Park. *Si fractura Partici fiat in Curia Regis, plena wita sit.* Leg. H. 1. cap. 40.

**Partition, Partitio,** Is a Dividing of Land descended by the Common Law, or by Custom, among *Cobbers* or *Parceners*, where there are two at least; and this *Partition* is made four ways, whereof three are by Agreement, the fourth by Compulsion. The first *Partition* by Agreement is, when they themselves divide the Land equally into so many Parts as they are *Coparceners*, and each to chuse one Share, or Part according to Order. The second is, when they chuse certain of their Friends to make the Division for them. The third is, by drawing Lots thus, Having first divided the Land into as many Parts as there be *Parceners*, they write every Part severally in a distinct Scroll, and wrapping it up, throw each of them into a Hat, Balon, or such Thing, out of which each *Parcener* draws one, according to their Seniority, and so the Land is severally allotted. The fourth *Partition*, which is by Compulsion, when one or more of the *Parceners*, by reason of the Refusal of some other, sues out a Writ of *Partitio facienda*, by Force whereof they shall be compelled to part. In *Kent*, where the Land is of *Gavelkind* Nature, they call their *Partition* *Shifting*, from the Saxon *Shifstari*, to divide. In *Latin* it is called *Herciscere*. *Partition* also may be made by Joint-Tenants, or Tenants in common by Assent, by Deed, or by Writ. 31 H. 8. 1. 32 H. 8. 32.

**Partitio facienda,** Anno 31 H. 8. cap. 1. Is a Writ that lies for those who hold Lands or Tenements *pro indiviso*, and would sever to every one his Parr, against him or them that refuse to join in *Partition*, as *Copartners*, *Tenants in Gavelkind*, &c. *Old Nat. Brev. fol. 142. F. N. B. fol. 61.* And *New Book of Entries, verbo Partition.* See *Partition*.

**Dorset. Placita de Juratis & Assis.** Anno 16 Ed. 1. *Metingham.*

*Edwardus Kaynel, Maria filia Roberti de Camma, Johannes Bereset, & Matilda uxor ejus, & Johanna soror ejusdem Martilda petunt versus Johannem Alfrith de Warham unum Toftum cum pertin. in Warham, de quo Johannes Gerard, confanguineus predictorum Edwardi, Mariae, Matildae, & Johanne, cujus heredes ipsi sunt, fuit seistus in dominico suo, ut de feodo, die quo obiit, &c. unde di unt, &c.*

*Et praed. Johannes venit & dicit, quod tenementa in Warham sunt partibilia inter masculos & femellas, & di it quod predictus Edwardus habet quasdam Gunnoram, Matildam, Christianam, Albredam, & Eufemiam sorores & participes ipsius Edwardi & aliorum petentium, & quae tantum jus habent in re petita sicut, &c. & quae non nominantur in brevi, &c. & Edwardus & alii non possunt hoc dedicere: Ideo consideratum est quod predictus Johannes eat inde sine die, &c.*

**Parricide, Parricida,** Properly signifies him that kills his Father, and may be applied to him that murders his Mother.

**Parties** Are those which are named in a Deed or Fine, as Parties to it; as those that levy the Fine, and to whom the Fine is levied: So they that make any Deed, and they to whom it is made, are called *Parties to the Deed*.

**Partlet** Was some Part of the Attire, a Kind of Band, or Neck-kerchief, which in some Places

still retains the Name: This Word is read in the Statute of 24 H. 8. cap. 13.

**Partypurp,** 14 Car. 2. cap. 11. See *Medietas Linguae*.

**Parbise.** See *Pervise*.

**Parbisus.** See *Paradisus*.

**Parbo nocumento** Is a Writ. See *Nufance*.

**Pascha clausum,** The Octaves of Easter or Low Sunday, which closes or concludes that Solemnity. *Die (tali) post pascha clausum* is a Date in some of our old Deeds: And the first Statute of Westminster, Anno 3 Edw. 1. is said to have been made *lendesmain de la cluse de Pasche*, i. e. The Monday after Easter Week.

**Pascha floridum,** Palm-Sunday, or the Sunday before Easter, when the proper Hymn, or Gospel sung, was *Occurrunt turbae cum floribus & palmis, &c. Sex denarios & quatuor lagenas mellis ad duos terminos, scil. ad Pascha floridum quatuor lagenas mellis, & ad festum S. Michaelis sex denarios.* Chartular. Abbat. Glaston. MS. f. 75.

**Paschal Rents** Are Rents, or annual Duties paid by the inferior Clergy to the Bishop, or Archdeacon, at their Easter Visitation: They are also termed *Synodals*. See *Synodals*.

**Pascua.** See *Pasture*.

**Pascuage (Pascuagium, Fr. Pascege)** Grafsing, Feeding, or Pasturing of Cattle. *Et habere viginti porcos quietos de Pascuagio, & fualium ad panem suum & ad cibos coquendos, &c.* Charta Ric. de Muntfichet Priorat. de Tremhale, in Mon. Angl. 2 Par. fol. 23. a. Also the same with *Pannage*.

**Pasnage.** See *Pannage*.

**Passage, Passagium,** Is a French Word, signifying *Transitum*: By the Statutes of 4 E. 3. cap. 7. and Westminster 2. cap. 25. it denotes the Hire that a Man pays for being transported over Sea, or over any River. In the Charter of Henry the First, of the Liberties of London, we find these Words, *Et omnes res eorum per totam Angliam, & per portus maris, de thelonio, & passagio, & lastagio, & omnibus aliis consuetudinibus, per passagium clamat esse quiet. de omnibus in Com. Cestrie & Flint pro omnibus carectis, cariag. ejus servientibus, & summagiis suis oneratis.* Pl. in Itin. apud Cestriam, 14 H. 7.

**Passagium,** A Voyage or Expedition to the Holy Land, when made by the Kings of England in Person, was called *Passagium*. *Rex Archiepiscopo Cant. Salutem. Cum passagium nostrum juraverimus & statuerimus a Festo Natiuitatis Beati Johannis Bapt. proxime venturo in quatuor annos, & D. Papa concesserit decimam proventuum Ecclesiasticorum ante idem passagium colligendam.* Dat. 16 Maji, 36 H. 3. Prynn's Collect. Tom. 3. p. 767.

**Passagio** Is a Writ directed to the Keepers of the Ports, to permit a Man to pass over Sea that hath the King's Licence. Reg. Orig. fol. 193, 194.

**Passator.** Donationem insuper quam Hugo de Bradewardyn Passator filius Stephani Pont. per scriptum suum fecit eisdem fratribus de Libero passagio apud Bradewardyn. Pat. 1 E. 3. Par. 3. M. 6. He that has the Interest or Command of the Passage of a River; for this Bradewardyn lies upon the River Wye in Herefordshire.

**Passator, i. e.** The Lord to whom a Duty is to be paid for Passage. *Donationem enim quam Hugo, &c. Passator fecit.* Mon. 1 Tom. pag. 505.

**Passaport,** A Compound of two French Words, viz. of *Passer, transire*, and *Port, portus*, a Haven; It signifies a Licence made by any that hath Authority, for the safe Passage of any Man from one Place to another. 2 E. 6. cap. 2.

**Paffiagiarius**, A Ferry-Man. We meet with the Word in *Thorn's Chronicle*, viz. In Anno 1287. *si monachus vel aliquis de familia Abbatis ad dictum portum ex quacunque parte fluminis veniens batellum dicti Paffiagarii ibi presentem invenerit, & Paffiagiarius vel sui noluerint ipsum vel tardaverint transfducere, &c.*

**Paffus**, *i. e.* The narrow Places in Highways. *Dum per quoddam iter arctissimum, quod vulgari-ter Paffus dicitur, forent transituri.* Matt. Paris. p. 443. So in *Mat. Westm.* Anno 1260. *Emanavit a Cancel-laria Breve Domini Regis ad omnes Vicecomites, in quo-rum Ballivis solebant viatoribus imminere pericula, ut omnes Paffus periculosos tam in caris viis & boscis, & bajis quam aliis pacis Regiæ perturbationibus, faciant videri, &c.*

**Paffa**, Paste, or kneaded Dough before it is baked. *A. D. 1445. Ordinatum erat per Thomam Lyseaux, Decanum & Capitulum Ecclesiæ Sancti Pauli London. quod panis Canonico-rum in paffa crudus debeat ponderare ad summum vii marcas.* Liber Statuor. Ecclesiæ Paulinæ. MS. fol. 107. b.

**Paffitium**, A Pasture Field. *Castrum Arundel T. R. E. reddebat a quodam molino 40 s. &c. & de uno Paffitio 20 s. Domesday, per Gale 761.*

**Pafforal Staff**. The Form of it was streight, which signified *Rectum Regimen*: All the Top Part of it was crooked, and the other Part sharp: The crooked signified, that the Bishop presided over the People; and the sharp signified, to punish the stubborn.

*Curva trahit mites, pars pungit acuta rebelles.*  
See *Crozier*.

**Paffura** Is generally any Place where Cattle may feed; and it differs from *Pascua*; for that is a Place set a-part on purpose to feed, and never plowed; so that it properly signifies a Meadow, or Pasture Ground. *Nam Paffura omne genus pascendi significat, five fiat in pratis, five in stipula, five in agris, five in campis; sed Pascua est locus principaliter deputatus pecoribus pascendis, ut puta in montibus, moris, mariscis & planis non cultis nec aratis.* Lindewode, lib. 3. *Provin. Angl. Tit. De Decimis*, cap. 1. *Quoniam*.

**Paffus** Is the same with *Procuracion*, or the Provision which the Tenants of the King, or other Lords are bound to make for them at certain Days or Seasons, or as often as they make a Progress to their Lands: And this in many Places was turned into Money. *Hoc modo per annum liberabo a paffu Regis & Regine.* Monast. 1 Tom. 123.

**Paffentee** Is he to whom the King grants his *Letters Patent*. 7 E. 6. cap. 3.

**Paffents**, *Literæ Patentes*, Differ from *Writs*. *Crompt. Fur. fol. 126.* The Coroner is made by *Writ*, and not by *Patent*. See *Letters Patent*, and also *Literæ Patentes*, in the Table of the Register, where you may find the Form of divers.

**Patria** Properly signifies the Country, but in the Law it denotes the Men of a Neighbourhood; so when we say *Inquiratur per patriam*, we mean a Jury of the Neighbourhood: In like Manner *Affisa vel recognitio per Affsam, idem est quod Recognitio patriz*.

**Patriarch**, *Patriarcha*, Is a Greek Word, signi-fying a chief Father, Anno 385. In the General Council holden at *Constantinople*, it was decreed, That the Bishop of *Constantinople* should for ever be called a *Patriarch*.

**Patrimony**, An hereditary Estate, or Right descended from Ancestors. The legal Endow-

ment of a Church or religious House, was called *Ecclesiastical Patrimony*; and the Lands and Reve-nues united to the See of Rome, are called *St. Peter's Patrimony*.

**Patrinus**, *Fidejusser* in *Baptismate*, Anglice a Godfather, *uti Paulus se dixit Onesimum genuisse & Corinthios.* We read in the Laws of Hen. 1. c. 79. *Qui alicujus filium vel patrinum occiderit, &c.*

**Patrou**, *Patronus*, Is used in the Civil Law for him that hath manumitted a Servant, and there-by is both justly accounted his great Benefactor, and challengeth certain Reverence and Duty of him during his Life. See the Title *De Jure Pa-tronatus* in the Digest, with the Feudists *pro autore Feudi*. *Hotomian verbo Patronus*, in his *Comment. de Verbis feudal.* Both in the Canon and Common Law it signifies him that hath the Gift of a Be-nefice; and the Reason is, because the Gift of Churches and Benefices belonged unto such good Men as either built, or else endowed them with some great Part of their Revenue. And *Coras-sus* in his Paraphrase *Ad sacerdotiorum materiam*, Part 1. cap. 2. and Part. 4. cap. 6. writes thus of them, *Patroni in jure Pontificio dicuntur, qui alicujus Ecclesiæ extruende, aut alterius cujuscunque fundationis ecclesiastica autores fuerunt, ideoque presentandi & offerendi clericum jus habent, quem Ecclesiæ vacanti præesse, & in ea collatis redditibus frui velint. Acqui-runt autem hoc jus qui vel fundant Ecclesiæ, vel do-tant, &c.* See Mr. Kennett's Glossary in the Word *Patronus*. The King is *Patron Paramount* of all Ecclesiastical Benefices in England.

**Pavage**, (*Pavagium*) Money paid towards the Paving of Streets, or Highways. *Rex (Edw. 1.) concessit pavagium Villa de Huntingdon per quinquen-nium.* Pla. Parl. 35 Edw. 1.

**Pavasarri** Were Soldiers armed with Shields, which were called *Pavassii*. The Word is used in *Walsingham*, in *Edw. 3.* and other Historians. *Venientem contra eum cum 7 millibus electis armatorum aliisque armatis pavisariis, &c.*

**Pavimentum**, A Pavement, or Paving with Stone. *Item in pavimento pro schola in Horseshullane viii Sol. Hist. & Ant. Oxon. lib. 2. fol. 11. b.*

**Paunton** in *Lincolnshire*. See *Ad Pontem*.

**Pauper**. See *In Forma Pauperis*.

**Pavonage**. See *Pannage*.

**Par**, ad *Patrem* redire, *i. e.* To reverse an Outlawry, by which he is restored to the King's Peace. *Rex potest dare quod suum est, hoc est, pacem suam quam utlegatus amisit.* Bracon lib. 3. cap. 11.

**Par Dei**. See *Peace of God*.

**Par Ecclesiæ** Dicitur, cum salva sunt Ecclesiæ omnia privilegia, & immunitates, servi, famuli, mi-nistri, &c. Vide Leg. Edw. Conf. cap. 8.

**Par Regis**, The King's Peace. *Nam longe de-bet esse pax Regis a parte sua, ubi residens fuerit a quatuor partibus loci illius, hoc est, quatuor miliaria & tres quarentena & novem acra latitudine, & novem pedes, & novem palma, & novem grana hordei, &c.* Leg. Ed. Conf. cap. 12. See *Spelman*.

**Pea**, *Mons*, A Hill. *Domesday*.

**Peace**, *Pax*, In the general Signification is op-posite to War, or Strife: But particularly with us it intends a quiet and harmless Behaviour toward the King and his People. *Lamb. Eirenarch. lib. 1. cap. 2. pag. 7.* And if any Man goes in Danger of Harm, or bodily Prejudice from an-other, and makes Oath of it before a Justice of Peace, he shall be secured by good Bond, which is called *Binding to the Peace*. *Lamb. Eiren. lib. 2. cap. 2. pag. 77. Crompt. Just. of Peace, f. 118 ad 129.* And also *Frank-pledge* and *Conservator of the Peace*.



**Peace.** Time of *Peace* is, when the Courts of Justice are open, and the Judges and Ministers of the same may by Law protect Men from Wrong and Violence, and administer Justice to all. *Co. on Lit. fol. 249.*

**Peace of God and the Church, Pax Dei & Ecclesie,** Was antiently used for that Rest and Cessation which the King's Subjects had from Trouble and Suit of Law between the Terms. See *Vacation*, and *Pax Dei*. *Tempus dicitur cultui divino adhibitum, eaque appellatione omnes dies Dominici, Festa & Vigilie censentur.* Spelman.

**Peace of the King, Pax Regis,** 6 R. 2. Stat. 1. cap. 13. Is that *Peace* and Security both for Life and Goods, which the King promiseth to all his Subjects, or others taken to his Protection. See *Suit of the King's Peace*. This Point of Policy seemeth to have been borrowed by us from the *Feudists*, which in the Second Book of the *Feuds*, cap. 53. entituled, *De Pace tenenda*, &c. Hotoman proveth. Of this *Hoveden* setteth down divers Branches *Par. poster. suorum Annal.* in H. 2. fol. 144. and 330. There is also *Peace of the Church*, for which see *Sanctuary*. And the *Peace of the King's Highway* to be free from all Annoyance and Molestation. See *Watling-street*. The *Peace of the Plough*, whereby the Plough and Plough-Cartle are secured from Distresses; for which see *F. N. B. fol. 90.* So Fairs may be said to have their *Peace*, because no Man in them may be troubled for any Debt elsewhere contracted. See *Fairs*.

**Peargium.** See *Pesage*.

**Pecherpy.** See *Piscary*.

**Pecia,** A Piece, or small Parcel of Ground.—*Cum duabus peciis—diffa terra pertinentibus.* *Paroch. Antiquit. p. 240.*

**Pectorale.** 'Tis uncertain what is meant by this Word, tho' we often meet with it in old Writings. Most Authors agree, that it is the same with that Garment call'd *Rationale*, which the High Priest in the old Law wore on his Shoulders, as a Sign of Perfection. 'Tis worn also by the High Priest of the new Law, as a Sign of the greatest Virtue. *Qua gratia & ratione perficitur;* for which Reason it is called *Rationale*. 'Tis by some taken to be that Part of the Pall which covers the Breast of the Priest, and from thence it is called *Pectorale*. But all agree that 'tis the richest Part of that Garment, embroider'd with Gold, and adorned with pretious Stones. *Item capa cum pectorale optime brendato cum rotundis pectoralibus aurifigiis, &c. humerali vineato de fino auro brendato, & lapidibus insertis, &c.*

**Pecozell,** 14 Car. 2. cap. 3. Armor for the Breast, a Breast-plate, derived from *Pectus*, a Breast.

**Peculiar,** In French *peculier*, that is, proper, private, one's own. It signifies a particular Parish, or Church, that hath Jurisdiction within its self, for *Probat* of Wills, &c. exempt from the Ordinary, and the Bishop's Courts. The King's Chapel is a Royal *Peculiar*, exempt from all Spiritual Jurisdiction, and reserved to the Visitation and immediate Government of the King himself, who is Supreme Ordinary. It is an ancient Privilege of the See of *Canterbury*, that wherever any Manors or Advowsons do belong to it, they forthwith become exempt from the Ordinary, and are reputed *Peculiars*; and of the Diocese of *Canterbury*, mentioned 22 & 23 Car. 2. Stat. for the Maintenance of the Ministers of *London*. See *Canterbury*.

**Pecunia,** Properly Money, but was antiently used for Cattle, and sometimes for other Goods as well as Money: So we find often in *Domesday*,

*Pastura ibidem ad pecuniam villa*, that is, Pasture-Ground for the Cattle of the Village. And in *Emendat. Willielmi Primi ad Leg. Edw. Conf. Intenti sumus etiam ut nulla viva pecunia vendatur, aut emanetur nisi infra civitates, & hoc ante tres fideles testes.* And *Leg. Ed. Conf. cap. 10. Qui habuerit 30 denariatus viva pecuniz.*

**Pecunia Ecclesie** Was antiently used for the State of the Church. See *Tilley's Animadv. on Selden's Titbes.*

**Pecunia Sepulcralis** ( *L. L. Canuti fol. 102.* ) Was Money antiently paid to the Priest at the Opening the Grave for the Good and Behoof of the deceased Soul. This the Saxons call'd *Saulfscad*, *Saulfscot*, and *Anima Symbolum*. *Spel. de Concil. T. 1. f. 517.*

**Pedage, Pedagium,** Signifies Money given for the Passing by Foot or Horse through any Country: *Pupilla oculi*, part. 9. cap. 7. *Pedagia dicuntur que dantur a transeuntibus in locum constitutum a principe,* says Spelman: *Et capiens pedagium, debet dare saluum conductum, & territorium ejus tenere securum.* So *Baldus Cassan. De Consuetud. Bur. p. 118.* hath these Words, *Pedagium a pede dictum est, quod a transeuntibus solvitur, &c.* And we find *Edward* the Third granted to *Sir Nele Loring*, *Pedagium Sancti Macharii. Rot. Pasc. 22 Edw. 3. M. 34.* 'Tis mentioned likewise in *Matt. Paris. Anno 1256.* & pag. 515. *Telonium quod vulgariter dicitur Paagium.*

**Pedale,** A Foot-Cloath, a Carpet, or Piece of Tapestry laid on the Ground to tread on for greater State and Ceremony.—*Dedit etiam duo magna pedalia, leonibus intexta, ponenda ante magnum altare in festis principalibus.* *Ingulph. Hist. p. 41.*

**Pedis amputatio,** Cutting off the Foot was a Punishment formerly inflicted here; as appears by the Laws of *William the Conqueror*, and by *Ingulphus*, and other Authors, viz. *Interdicimus ne quis occidatur vel suspendatur pro aliqua culpa, sed evanatur oculi, abscondantur pedes, vel testiculi, vel manus.* *Leg. Will. cap. 7.* So in *Ingulphus*, pag. 856. *Sub pena perditionis dextri sui pedis.* *Fleta, lib. 1. c. 38. Bracton, lib. 3. cap. 32. Monast. 1 Tom. pag. 166.*

**Pedones, i. e. Foot-Soldiers.** *Solidariis pedonibus & sagittariis multis milibus conductis.* *Simeon of Durham, Anno 1085.*

**Pedules.** When the old Hose or Breeches reach'd down below the Calf of the Leg, the Stockings only covered the Feet, and came up to the Ankle, or just above the Shoe. These odd short Hose were called *Vamps*, and *Vampays*; whence to graft a new Footing to old Stockings is called *Vamping*. These *Vamps* which were more like our Socks than our present Stockings, were called *Pedules* and *Pedana*; as among the Customs of the Abbey of *Glaston*.—*De vestitu eorum ita est consuetudo—unusquisque fratrum duas cucullas, & duos fraccos, & duo stamina, & duo femoralia habere debet, & quatuor caligas, & pelicem novam, pedules vero decem, scil. ad festivitatem omnium Sanctorum iv. & ad festivitatem S. Martini iii. &c.* *Char. Abbat. Glaston. MS. f. 10.*

**Peer** ( *Pera, Fr. Pierre, Saxum, quod e saxis fieri solebat* ) Is a Fortrefs made against the Force of the Sea, or great Rivers, for the better Security of Ships that lie at Harbour in any Haven. So is the *Peer of Dover* described in *Cam. Britan. p. 259.* *Anno 14 Car. 2. cap. 27.* The Haven and *Peer* of *Great Yarmouth*, mentioned 22 Car. 2. cap. 2.

**Peers, Pares,** Signify in our Common Law those that are impanelled in an Enquest upon any Man, for the Convicting or Clearing him of any Offence for which he is called in Question; and the Reason thereof is, because the Course and Custom of our Nation is to try every Man in such a Case by his Equals, or *Peers*. *Westm. 1. cap. 6.* So *Kitchin* useth it, *fol. 78.* in these Words, *Mais si le amerciement soit affirre per Pares.* And this Word in this Sense is not in use with us only, but with other Nations also. For *Pares sunt convassalli quorum sententia vassallus propter feloniam est condemnatus.* *Bartilayus de Regno, lib. 4. cap. 2.* Et *Pares sunt qui ab eodem Domino feudum tenent, lib. 1. Feudor. cap. 26.* But this Word is most principally used for those that be of the Nobility of the Realm, and Lords of the Parliament. *Staundf. pl. cor. lib. 3. Cap. Trial per les Peers:* The Reason whereof is, That altho' there be a Distinction of Degrees in our Nobility, yet in all publick Actions they are equal; as in their Votes of Parliament, and in passing Trial upon any Nobleman, &c. This Appellation seems to be borrowed from France, and from those Twelve Peers that *Charlemaine* instituted in that Kingdom; of whom you may read *Vincent. Lupanus de Magist. Francie, lib. 1. cap. Pares Francie.* And tho' we have borrowed the Appellation, and applied it with some Reason to all Lords of Parliament, yet we have no set Number; for our Nobles may be more or less, as the King pleaseth.

**Pegen.** See *Forath.*

**Peyne fort & dure.** See *Paine fort & dure.*

**Pesca,** antiently used for *Pondus, Weight.* See *Pesage,* and *Weight.*

**Pesla, i. e. A Pound-weight.** *Super perceptione 10 Librarum, & 8 Peisarum casei.* *Thorn. Chron. pag. 2070.*

**Pela,** A Peel, a Pile, a Fort. The Citadel or Castle in the Isle of Man, was by this Name granted to Sir John Stanley. *Pat. 7. H. 4. M. 18.*

**Pelre.** See *Pille.*

**Pelre & Pelfre (Pelfra)** — *Tho. Venables Arm. clamat quod si aliquis tenent. sive resident. infra Dominium sive Manerium de Kinderton feloniam fecerit, & corpus ejus per ipsum Thomam super factum illud captum & convict. fuerit, habere Pelfram; viz. Omnia bona & catalla hujusmodi seifre: Et ea que Domino Comiti pertinent ad Castrum Cestrie presentare, & habere omnia invent. domestica, & de omni genere boum, vaccarum, boviculorum, juvencarum, porcorum, bidentium unum, viz. melius: Et si de aliquo genere non habuerit nisi unum, clamat habere illud unum, cum aliis minutis animalibus, ut gallis, gallinis, ancis, & hujusmodi, & omnes pannos talliatos & attaniatos, & omnes carnes attaniatas, & totum brasium infra unum quarterium, & omnia blada inventa infra unum quarterium; & de quolibet tasso bladi clamat habere Grounssal integrum cujuscunque tassi, & totum plumbum extra fornacem, & omnia vasa lignea, omnes mappas, manutergia, & omnia ad lectum pertinent. linea & lanea, & omnes carrectas ferro non ligatas, & omnes caruccas cum tota apparura, &c. Plac. in Intin. apud Cestriam, 14 Hen. 7. In Time of War the Earl Marshal is to have of all Preys and Booties all the gelded Beasts, except Sheep, Hogs and Goats, which is called *Pelfre.* *MS. S. Knyveton.**

**Pelia, i. e. Pellus, Batillus.** So in the *Monast. 2 Tom. pag. 528.* *Debet habere caseum de melioribus domus, & plenam peliam salis.*

**Pellage** (*Rot. Parl. 11 H. 4.*) The Custom or Duty paid for Skins, Pelts, or Leather.

**Pellicia, A Pilch, Tunica vel indumentum pellicum; hinc super-pellicum, A Sur-pilch, or Surplice.** *Spelm.*

**Pelliparius** (*Pat. 15 Edw. 3. pag. 2. m. 45.*) A Leather-seller, or Skinner.

**Pellota, French Pelote, The Ball of the Foot.** *Charta de Foresta, cap. 7. Talis autem expeditatio (viz. canum) fiat per assisam communiter usitatam, viz. quod tres ortelli abscindantur, sive pellota de pede anteriori.* See *Co. Inst. par. 4. fol. 308.*

**Pelt-mool** Is the Wool pulled off the Skin, or Pelt of dead Sheep. *8 H. 6. cap. 22.*

**Peluræ, i. e. Skins, or a Tribute paid for Skins.** *De expensis gardaroba in quibus emptiones pannorum, peluræ, &c. Fleta, lib. 2. cap. 14.*

**Pen** Signifies an high Mountain, as Mr. *Cambden* tells us in his *Britannia.* It was so called by the Britains; and not only by them, but by the old Gauls: From whence those high Hills which divide France from Italy, are called the *Apennines.*

**Penerarius, A Penon, or Ensign-Bearer.** *Hic jacet Johannes Parient, Armiger pro corpore Regis Ricardi Secundi, & penerarius ejusdem Regis. Epitaph. apud Digs-well in Com. Hertford.*

**Penicillus, Penicellus, A Penon, or Pendant, a Streamer, a Banner.** *Robertus de la Sale tenet duas virgatas tene in Nether Overton per serjantiam inveniendi in exercitu Domini Regis hominem portantem unum penicillum per xx dies sumptibus suis.*

**Penigeldum, Denarii alicujus ex quavis consuetudine pro facultate aliqua vel privilegio habendo, puta in foresta, aut alibi.** *Spelm. Gloss.*

**Penissang, A Kind of coarse, woollen Cloth,** mentioned *43 Eliz. cap. 10.*

**Penne.** See *Bay.*

**Pennocrucium, Pantridge in Staffordshire.**

**Pennulatus, i. e. Furred.** 'Tis the same with *Foderatus.* 'Tis mentioned in *Fortescue, De Laudib. Leg. Angl. viz. Capicium ejus non alio quam minivero penulatur c. 51.*

**Penny-weight.** Every Pound containing Twelve Ounces, each Ounce was divided into Twenty Parts, called Twenty Penny-weight. For at that Time Twenty Penny-weight weighed One Ounce; which tho' the Penny-weight be alter'd, yet the Denomination still continues. Every Penny-weight is subdivided into Twenty-four Grains.

**Penon, 11 R. cap. 1.** Is a Standard, Banner, or Ensign, carried in War: It is borrowed from France, for Penon in the French Language signifies the same Thing.

**Pensa Salis, Casei, &c.** A Wey of Salt, or Cheese, containing 256 Pounds — *Herveus Episc. Eliensis concessit Monachis quatuor pensas casei, & sex pensas salis.* — *Hist. Elien. apud Whartoni Angl. Sac. P. 1. p. 617.* The same Weight is called in old Writings *Pisa, Pesa, Peis.*

**No Pensam,** The antient way of paying into the Exchequer as much Money for a Pound Sterling, as weighed Twelve Ounces Troy. Payment of a Pound de numero, imported just Twenty Shillings: *Ad scalam,* imported Twenty Shillings Six Pence; and *ad pensam* imported the full Weight of Twelve Ounces. *Vid. Lowndes's Essay upon Coin, pag. 4.*

**Pension, Pensio.** That which in the Two Temples is called a Parliament, and in *Lincoln's Inn* a Council, is in *Gray's Inn* termed a Pension; that is, An Assembly of the Members of the Society to consult of the Affairs of the House. And in the Inns of Court, *Pensions* are certain annual Payments of each Member to the House.

**Pensioners, Pensionarii,** Are a Band of Gentlemen so called, that attend as a Guard upon the King's Person: They were instituted Anno 1539, and have an Allowance of Fifty Pounds a Year, to maintain themselves and two Horses for the King's Service. See *Stow's Annals*, 973.

**Pension Writ.** When a Pension Writ is once issued, none sued thereby in an Inns of Court, shall be discharged or permitted to come into Commons, till all Duties be paid. *Order in Gray's Inn*, wherein it seems to be a peremptory Order against such of the Society as are in Arrear for *Pensions*, and other Duties.

**Pentecostals, Pentecostalia,** Were certain pious Oblations made at the Feast of *Pentecost*, by Parishioners to their Parish-Priest, and sometimes by inferior Churches or Parishes to the principal Mother-Church. Which Oblations were also called *Whitsun Earbings*, and were divided into four Parts, One to the Parish-Priest, a Second to the Poor, a Third for Repair of the Church, and a Fourth to the Bishop. *Stephens of Procurations and Pentecostals*. See Mr. *Kennet's Glossary in Pentecostalia*.

**Peny (Saxon Penig)** Was our ancient current Silver. 2 *Inst.* fol. 575. — *Et quod sint quicquid de omnibus misericordiis, & Warda, & Ward-peny, Aver-peny, Hundred-peny, Tithing-peny, & Borthal-peny, & de omnibus operibus Castellorum, Pontium, &c.* Char. Hen. 7. Ab. & Conv. Eccles. S. Petri Westm. Anno 19 Regni. The Saxons had no other Sort of Silver Coin. It was equal in Weight to our Three-pence: Five of those *Penies* made one Shilling Saxon, and Thirty *Penies* made a Mark, which they called *Mancofe*, and weighed as much as Three of our Half Crowns. The English *Peny* called Sterling, is round, without clipping, and weighs 32 *grana frumenti in medio spica*; Twenty-pence make an Ounce, and Twelve Ounces make a Pound. *Stat. Edw. 1.* It was made with a Cross in the Middle, and broke into Half-pence and Farthings. *Quia denarios findi in duas partes pro obolis & in quatuor partes pro quadrantibus consuevit, ordinatum fuit ad tollendam occasionem defalcationis monete quod rotundi essent denarii, oboli & quadrantes.* *Wallingham* 1280. *Mat. Paris* 1279.

**Penypise, Penny-weight.** *Fabricavit sibi statum Abbati & Conventui posita dolosam & abominabilem, quae dicitur Penypise, & cum illa triavit 20 Sol. in denariis antiquis ponderis maximi, cum quibus equa lance recipiebat denarios quorumcunque.* *Will. Thorn. Sabann.* 1335.

**Pepper, Piper,** Is a Spice well known, of whose Diversities and Nature you may read *Gerard's Herbal*, lib. 3. cap. 146. This is set among Merchandise to be garbled, Anno 1 *Jac.* cap. 19.

**Perambulation of the Forest, Perambulatio Foresta,** Is the Surveying or Walking about the Forest, or the Limits of it, by Justices, or other Officers thereto appointed, to set down the Metes and Bounds thereof, and what is within the Forest, and what without. 17 *Car. 1.* cap. 16. 20 *Car. 2.* cap. 3. 4 *Inst.* fol. 30. See *Purview*.

**Perambulatione facienda** Is a Writ that is sued out by two or more Lords of Manors lying near one another, and consenting to have their Bounds severally known. It is directed to the Sheriff, commanding him to make *Perambulation*, and to set down their certain Limits. *F. N. B.* fol. 133. See *Rationabilibus divisis*. See *Reg. Orig.*

fol. 157. and the *New Book of Entries*, verbo *Perambulatione facienda*.

**Peratta for Petrarra.** *Perariis suis & aliis machinis bellicis paratus.* *Brompton*, Anno 1173.

**Peravail.** See *Paravail*.

**Perra for Pertica, A Perch.** *Et unam a ram prati per majorem Percam.* *Monastic. Tom. 2.* pag. 87.

**Percaptura, A Wire, or Weer, or Place** in a River made up with Banks, Damms, &c. for the better Convenience of preserving and taking of Fish. Of which Kind there were several artificially contrived in most Waters and Streams. *Widow de Meriton* granted to the Knights Templars. — *Omnes percapturas quas Aratres inceperunt versus me in faciendo passagium saum.* *Paroch. Antiq.* p. 120.

**Percit, Pertica,** Is used with us for a Rod or Pole of Sixteen Foot and a Half in Length; whereof Forty in Length, and four in Breadth make an Acre of Ground. *Crompt. Jur.* fol. 222. Yet by Custom of the Country it may be longer, as he there saith; and several Counties differ herein, for in *Staffordshire* it is Twenty-four Foot, in the Forest of *Sherwood* Twenty-five. In *Herefordshire* a *Perch* of Walling is Sixteen Foot and a Half: A *Perch* of Ditching Twenty-one Foot: In the Forest of *Cank* Twenty-five: In the Forest of *Clarendon* Twenty, &c. *Skene de verbor. signif. verbo Particata terra*, saith, That *Particata terra* is a Rood of Land; and a little after to this Effect, Three Barley-corns without Tails set together in Length make one Inch; of the which Corns, one should be taken off the middle Ridge, another off the Side of the Ridge, and one off the Furrow: Twelve Inches make a Foot of Measure, Three Foot and an Inch make an Eln, Six Elnes make one Fall, which is the common lineal Measure, and Six Elnes long and Six broad make a square and superficial Fall of Land measured. And it is to be understood, that one Rod, one Raip, one lineal Fall of Measure, are all one, each of them containing Six Elnes in Length; Howbeit a Rod is a Staff or Pole of Wood, a Raip is made of Tow or Hemp, and so much Land as falleth under the Rod or Raip at once, is called a *Fall of Measure*, or a *lineal Fall*, because it is the Measure of the Line or Length only; like as the superficial Fall is the Measure of Length and Breadth. Item, Ten Falls in Length and Four in Breadth make a Rood, Four Roods make an Acre, &c. This is the Measure of *Scotland*. A Pole of betted or densheired Ground is Twelve Foot; of Wood, Twenty-one Foot. See *Skene, verbo Particata terra.* In *Honore de Montgomeri terra assertanda per Perticam Regis* 24 *Pedum*. *Claus.* 11 Hen. 3. m. 6. In *Foresta de Cank*, *Pertica* 25 *Pedum*. *Int. Plac. Hill.* 10 Edw. 2. *Staff.* 36. — *Per Perticam* 20 *Pedum* in *Foresta nostra de Clarendon*. *Mon. Angl.* 2 *Par.* fol. 273. b. *Perticata de 24 pedibus in Mineriis de Derbyshire.* *Esc.* 16 Ed. 1. N. 34. *Per Perticam xxi pedum* in *Wyndesore*. *Antiq. MS.* in *Thesauro Regis de vastis arentatis* 32 Ed. 1. f. 3. See *Pes Forestae*.

**Perchers,** The *Paris* Candles used formerly in *England* were so called. See *Stow's Survey of London*, pag. 71. The Reason I presume was this, The larger Sconces or Candlesticks for the Tapers or Lights on the Altar were called *Pertica, Perches*: Hence the bigger Candles, especially of Wax, that were commonly set upon the Altars, were

were called *Perchers*. — *Insuper & in capella beata virginis superius in australi Ecclesia latere preparata, duas perticas pro superponendis cereis decenter ordinatas.* Hist. Croyl. Contin. sub Anno 1405.

*Per cui et poss.* See *Entry*.

*Perdings*, 'Tis mentioned in *Leg. H. 1. c. 29.* and it signifies the Dregs of the People, viz. Men not worth a Farthing.

*Pardonatio utlagariæ* Is a Pardon for him, who for Contempt in not coming to the King's Court, is outlawed, and afterwards, of his own Accord, yieldeth himself to Prison. *Reg. Judicial, fol. 28. Leg. Edw. Confes. cap. 18. & 19.*

*Pere & pite*, In the Constitution of *Canutus* concerning the Forest, *cap. 17.* we have these Words, *Si quis autem contra primarium pugnauerit, in placito emendet secundum pretium sui ipsius, quod Angli Pere & pite dicunt, & solvat primario 40 sol. Rectius autem Were & Wite.* Sax. See *Were*.

*Peremptory*, *Peremptorius*, Cometh of the Verb *perimere*, to cut off, and joined with a Substantive (as *Action* or *Exception*) signifies a final and determinate Act, without Hope of renewing or altering. So *Fitzherbert* calleth a *Peremptory Action*. *Nat. Brev. fol. 35, 38, 104, 108.* and *Non-suit peremptory*, *Idem. fol. 5. 11.* A *peremptory Exception*. *Bracton, lib. 4. cap. 20. Smith de Rep. Anglor. lib. 2. cap. 13.* calleth that a *peremptory Exception*, which makes the State and Issue in a Cause.

*Perinde valere* Is a Term that belongs to the Ecclesiastical Law, and signifies a Dispensation granted to a Clerk, that being defective in his Capacity to a Benefice, or other Ecclesiastical Function, is *de facto* admitted to it; and it hath the Appellation from the Words, which make the Faculty as effectual to the Party dispensed with, as if he had been actually capable of the Thing for which he is dispensed with at the Time of his Admission. *25 H. 8. cap. 21.* It is called a *Writ*.

*Perindinare*, To stay, remain, or abide in a Place. *Patri qui tunc Londiniis perindinavit nuntios dirigens.* Mat. Westm. Anno 1016. *Fortescue, cap. 35, 36.*

*Perjury*, (*Pejurium*), *Est mendacium cum iuramento firmitatem*, Is a Crime committed, when a lawful Oath is ministred by any that hath Authority to any Person in any judicial Proceeding, who swears absolutely and falsely in a Matter material to the Issue, or Cause in Question, by their own Act, or by the Subornation of others. And if a Man call me *Perjured Man*, I may have my Action upon the Case; but it must be intended contrary to my Oath in a judicial Proceeding: But for calling me a *Forsworn Man*, no Action lies; because the Forswearing may be *Extra-judicial*. *Coke's Inst. 3 part. fol. 163. 23 Hen. 8. cap. 3.* Excepted out of the Act of General Pardon, *12 Car. 2. cap. 11.* How punished in Wales; Anno 26 Hen. 8. cap. 4. and 5 Eliz. cap. 9.

*Perkins* Was a learned Lawyer, a Fellow and Bencher of the Inner Temple, that lived in the Days of Edward the Sixth, and Queen Mary. He wrote a very excellent Book upon divers Points of the Common Law.

*Permentarius*, i. e. *Qui vestes parat, i. e. Ornatus*. 'Tis a Word often mentioned in the *Monastic*. viz. *1 Tom. pag. 987. Ut nec mercator nec institor nec Permentarius nec conversarius non vendat, &c.*

*Permutatione Archidiaconatus & Ecclesiæ eodem annuæ cum Ecclesia & Prebenda*, Is a Writ to an Ordinary, commanding him to admit a Clerk to a Benefice, upon Exchange made with another. *Reg. Orig. fol. 307.*

*Pernancy*, A taking or receiving Tithes in *Pernancy*; that is, Tithes taken, or that may be taken in Kind.

*Pernoz* of *Profitz*, (derived of the French *Preneur*, a Taker or Receiver) Is he that takes or receives the Profits, as *Pernor of Profits*. *1 H. 7. 1. Pernor of Profits, and Cestuy que use*, is all one. *Co. Rep. 1. fol. 123. Chudley's Case. See 21 R. 2. cap. 15. and Co. on Lit. fol. 589. b.*

*Per my & per tout*. A Joint-tenant is said to be seised of the Land he holds jointly *Per my & per tout*, i. e. He is seised by every Parcel, and by the Whole. *Litt. sect. 283. Totum tenet & nihil tenet, sc. totum conjunctim & nihil per se separatim.* *Bract. lib. 5. 430.*

*Perpars*, A Part or Share of the Inheritance; See *Fleta, lib. 2. cap. 54. par. 19. viz. Tanquam terram qua sibi descendit in perpartem de hereditate, &c.*

*Perpunctum*, The same with *Gambiso*, i. e. a quilted Doublet, viz. quilted with Wool, *Acu perpuncta*, on which they put their Armour, to make it set easy. See *Mandat. H. 3. super jurat ad arma Addit. Mat. Paris. viz. Ad Centum solidatas terre unum Perpunctum, capellum ferreum, gladium, &c.* See *Gamberzon*.

*Per quæ servitia* Is a Writ judicial, issuing from the Note of a Fine, and lieth for Cognisee of a Manor, Seignior, chief Rent, or other Services, to compel him that is Tenant of the Land at the Time of the Note of the Fine levied, to attorn unto him. *West. Symbol. part 2. Tit. Fines, sect. 126. Old Nat. Brev. fol. 155. New Book of Entries, verbo Per quæ servitia.*

*Perquisite*, *Perquisitum*, Is any Thing gotten by a Man's own Industry, or purchased with his own Money, different from that which descends to him from his Father or Ancestor; and so *Bracton* uses it, when he says, *Perquisitum facere*, *lib. 2. cap. 30. num. 3. & lib. 4. cap. 22.*

*Perquisites of Court* Be those Profits that grow to a Lord of a Manor, by Virtue of his Court-Baron, over and above the certain yearly Profits of his Land, as Fines of Copyholds, Harlots, Amerciements, Waifs, Strays, &c. *Perkins, fol. 20, 21.*

*Person*. See *Parson*.

*Personable*, *Personabilis*, Signifies as much as enabled to maintain Plea in Court: As for Example, the Defendant was judged *personable* to maintain this Action. *Old Nat. Brev. fol. 142.* And in *Kitchin, fol. 214.* The Tenant pleaded, that the Wife was an Alien born in Portugal, without the Legiance of the King, and judgment was demanded whether she should be answered: The Plaintiff saith, she was made *personable* by Parliament, that is, as the Civilians would speak it, *Habere personam standi in judicio*. *Personable* is also as much as to be of Capacity to take any Thing granted or given. *Plooyden, fol. 27. Colthrist's Case.*

*Personal*, *Personalis*, Being joined with the Substantives, Things, Goods or Chattels, as Things *personal*, Goods *personal*, Chattels *personal*; signifies any moveable Thing belonging to a Man, be it quick or dead: So it is used in *West. Symbol. part 2. Tit. Enditements, sect. 58.* in these Words,



Theft is an unlawful felonious Taking away another Man's moveable *personal Goods*, so also 61. And *Kitchin*, fol. 139. saith, Where *personal Things* shall be given to a Corporation, as a Horse, a Cow, Sheep, or other Goods, &c. And *Staufd.* pl. cor. fol. 25. *Contrectatio rei aliena*, is to be understood of Things *personal*; for in Things real it is not Felony, as the Cutting of a Tree is not Felony. See *Chattels*.

*Personal Tithes* Are *Tithes* paid of such Profits as come by the Labour of a Man's Person, as by buying and selling, Gains of Merchandise and Handycrafts, &c. See *Tithes*.

*Personalty*, *Personalitas*, Is an Abstract of *Personal*. The Action is in the *Personalty*. *Old Nat. Breu.* fol. 92. that is to say, it is brought against the right Person, or the Person against whom in Law it lies. In *vocabulario utriusque juris*, I find the Word *Impersonalitas*; For says that Author, *Personalitas significatur per has dictiones, (tu mihi, ego tibi) cum alio significato quod probabiliter concluditur, & si nullo modo concludatur tunc est impersonalitas.*

*Persona personata*, *Rot. Quo War.* 3 *Edw.* 3. See *Parson impersonae*.

*Persons ne Prebendaries* ne seront chargees as quinsimes, &c. Is a Writ that lies for *Prebendaries*, or other spiritual Persons, being distrained by the Sheriff, or Collectors of Fifteens, for the Fifteenth of their Goods, or to be contributory to Taxes. *F. N. B.* fol. 176.

*Perticata terræ* Is the fourth Part of an Acre, which in the whole Superficies contains Forty *Perticas*. See *Perches*.

*Perticulas*. The King granted to *Luke Marguin* de insula de *Man Scholari*, quendam elemosynam vocatam *Perticulas* ad sustentationem cuiusdam pauperis Scholaris de insula prædicta ad exercend. Scholas, per progenitores nostros, quondam Reges Angliæ datam & concessam. *Pat.* 5. *Hen.* 4. m. 16.

*Pertinens* Was anciently used for a Kinsman or Kinswoman, *Si quis cum pertinente sua jaceat, emendet hoc secundum cognationis modum, sit Wera, sit Wita, sit omni pecunia, non est equale, si quis cum sorore sua concumbat, & fuerit de longe pertinens.* *Leg. Canuti Regis*, cap. 48.

*Pertum* for *Perca*, or *Pertica*, i. e. a long Pole. 'Tis mentioned in *Knighton*, Anno 1391. *Convenerunt in Curia sua multe turme Atomorum & Muscarum & maximam stragem fecerunt, adeo ut scopis & pertis mundarent locum de interfectis, i. e. they cleared the Place with Poles and Brushes.*

*Pervise* or *Parvise*, *Pervisus*, *Parvisia*, Is derived from the French *Le Parvis*. *Fortescue* de laudibus legum Angliæ, cap. 51. pag. 124. hath these Words, *Sed tunc placitantes (i. post meridiem) se divertunt ad pervisum & alibi consulentes cum servientibus ad legem & aliis consiliariis suis.* Of which *Chaucer* thus, *Prolog.* 9.

A Serjeant at Law, that ware and wise,  
That often had been at the *Parvise*.

*Nam ibi legis periti convenere ut clientibus occurrerent, non ad tyrocinia juris, quas motas vocant exercenda,* says *Spelman*. *Selden* in his Notes on *Fortescue*, pag. 56. says, it signifies an Afternoon's Exercise or Moot, for the Instruction of young Students, bearing the same Name originally with the *Parvise* in Oxford. *Mr. Somner* says, *Pervise* signifies *Palatii Atrium* vel *Area* illa a fronte *Aule Westm. bodie*, the Palace-yard. See his *Gloss. in 10 Scrip-*

*tores*, verbo *Trisorium*. And see *Wood's Hist. of Oxford*, 2 *Par.* fol. 6. See *Paradisus*.

*Pesla*, *Pensa*, *Pisa*, A *Wry* or *Weigh*, or certain Weight and Measure of Cheese and Wool, &c. containing Two hundred fifty-six Pounds.

*Herveus Episc.* *Elie.* concessit *Monachis* quatuor *penas casei* in *Dereford*, & *sex penas salis* in *Tynningtoun*. *Histor. Elie.* apud *Whartoni Angli. Sac.* P. 1. pag. 617.

*Peslage*, (*Pesagium*.) Custom paid for weighing Wares or Merchandise. *MS. tem. Edw.* 3. For *Pesla* we find used for *Pondus*. Hence to *Poise* or *Poise*, *Ponderare*. *Galfridus* (*Plantagenet*) *Regis Henrici Filii*, *Dux Britannia* & *Comes Ricmundia*, dedi— *Tronagium & Pesagium* de *Nunainis meis Sancti Botulphi*, & *quicquid ad Tronagium & Pesagium pertinet*, &c. *Selden's Tit. Hon.*

*Pesarius*, A *Weigher*. *De quolibet sacco lana*, per *licenciam Justic. infra muros dictæ Civitatis* (*sc. Wintoniæ*) *vendito*, pro *Pesario Episcopi* quatuor *Denar.* & pro *seodo Pesarii* unum *Denar.*— *Pat.* 2 *Ed.* 4. pars 6. m. 6.

*Pesentum Anguillarum*.— *Unum pesentum Anguillarum x. l. Valet Grossas Anguillas.* *Dugd. Monast. Angl.* part 1. p. 363. b.

*Pes forstæ*.— *Notandum est quod pes forstæ usitatus tempore Ric. Oysell in arrentatione vastorum, factus est, signatus & sculptus in pariete Cancellæ Ecclesiæ de Edwinstone, & in Ecclesiâ B. Mariæ de Nottingham, & dictus pes continet in longitudine octodecim pollices, & in arrentatione quorundam vastorum pertica 20, 21. & 24 pedum usa fuit, &c.* *Ex Regist. Abb. de Novoloco* in *Com. Not. penes Rob. Comitem Kingstoniæ*, Anno 1630. See *Spelman* eodem verbo.

*Pes Monetæ*, The Foot of Money, called by the French *Pied de Monoye*, is a true and reasonable Adjustment of the intrinsic and extrinsic Value of all current Coins.

*Pessia*, i. e. A Piece of any Thing, *Dono pessiam* de *Campo*, &c.

*Pessona*, *Mast*, *Md.* quod Anno regni Regis *Hen. filii Regis Joh.* 37. *Dominus de Frechevil & homines sui in bosco de Derley. apud Cruche, Pessonam, scil. glandes & nuces, virgis & cortis excussisset & querela inde deducta in Comitatu, &c.* Anno gratiæ, *MCCLXIII.* *Mon. Angl.* 2 *Par.* fol. 231. b. So tempus *Pessone*, or tempus *Pessonis*, often occurs for *Mast-time*, or the Season when *Mast* is ripe; which in *Norfolk* they call *Shacking time*.— *Quod habeat decem porcos in tempore de Pesson in bosco meo, &c.* fol. 113. 10.

*Pessurable wares* Seem to be such Wares or Merchandise as *Pester*, and take up much Room in a Ship. 32 *H. 8.* cap. 14.

*Pessitus* for *Pastitus*, i. e. Pasture Grounds.

*Peter-Corn*. *Rex Athelstanus concessit Deo & beato Petro Ebor. & colideis prædictis de qualibet Caruca avante in Episcopatu Eboraci unam Travam bladi*, Anno Domini 936. *que usque in presentem diem dicitur Peter-Corn.* *Ex Reg. S. Leonardi Ebor.* in *Bibl. Cottoniana*, fol. 5. a. *Concessionem travarum vocat.* *Peter-Corn* per totum *Archiepiscopatum Ebor.* quas *primus Ethelstanus quondam Rex Angliæ concessit Deo & beato Petro & colideis apud Eboracum.* *Reg. S. Leonardi Ebor. Cotton. Nero. D.* 3. f. 59. — *Consentio inter Magistrum & Fratres Hospitalis S. Leonardi Ebor. & conventum de Malton super trabis carucarum vocat.* *Peter-Corn* in *crastino S. Botulfi.* 1266. *Collect.*

Collect. Rog. Dodsworth, Vol. 78. pag. 212. MS.

**Peter-men**, Those who used unlawful Arts and Engines for catching Fish on the River Thames. See *Stow's Survey of London*, pag. 19.

**Peter-Pence**, *Denarii, Sancti Petri*, otherwise called in the Saxon Tongue *Romefeoh*, the Fee of Rome, or Due to Rome; and also *Romefeot* and *Rome-pennyng* was a Tribute given by Inas King of the West Saxons, being in Pilgrimage at Rome in the Year of our Lord 720. which was a Penny for every House. *Lamb. Eplication of Saxon Words*, verbo *Nummus*. And the like given by Offa, King of the Mercians, through his Dominions, in Anno 794. not as a Tribute to the Pope, but in Sustentation of the English School or College there; and it was called *Peter-Pence*, because collected on the Day of St. Peter ad Vincula, which was a Penny for every House. *Spelm. de Concil. Tom. 1. fol. 3. 2.* And in St. Edward's Laws, num. 10. where we may read these Words, *Omnes qui habent 30. denariatus viva pecunia in domo sua de suo proprio, Anglorum lege dabit denarium sancti Petri, & lege Danorum dimidiam marcam; Iste vero debet summoniri in solemnitate Apostolorum Petri & Pauli & Collegii ad festivitatem quæ dicitur ad vincula, ita ut ultra illum diem non detineatur, &c.* See also King Edgar's Laws, fol. 78. cap. 4. which contain a sharp Constitution touching this Matter. *Stow* in his *Annals*, p. 67. saith, That he who had Twenty Pennyworth of Goods of one Sort in his House, was to give a Penny at Lammass yearly. See *Romefeot*.

**St. Peter ad vincula**, Anno 4 Ed. 4. cap. 1. & 17 Ed. 4. cap. 5. See *Gule of August*.

**Petition** (*Petitio*), Signifies in general a Supplication made by an Inferior to a Superior, and especially to one having Jurisdiction. Anno 13 Car. 2. cap. 5.

**Petit Cape**. See *Cape*.

**Petit Larceny**, *Parvum Latrocinium*. See *Larceny*.

**Petit Serjeanty**, *Parva Serjeantia*. To hold by *Petit Serjeanty*, is to hold Lands or Tenements of the King, yielding him a Knife, a Buckler, an Arrow, a Bow without a String, or other like Service, at the Will of the first Feoffor; and there belongs not Ward, Marriage or Relief. And here observe, that none can hold by *Grand* or *Petit Serjeanty*, but of the King. But see the Statute 12 Car. 2. c. 24.

**Petit Treason**, *Parva proditio*, In French *Petit trahison*, i. *proditio minor*, Treason of a lesser or lower Kind; for whereas Treason in the highest Kind, is an Offence done against the Security of the Commonwealth. *West. Symbol. part 2. Tit. Indisment, sect. 63.* So is *Petit Treason*, though not so expressly. *Petit Treason* is, if a Servant kill his Master, a Wife her Husband, a secular or religious Man his Prelate. 25 E. 3. cap. 2. whereof see more in *Staundf. Pl. Cor. lib. 1. cap. 1. Crompton's Justice of Peace*, fol. 2. And for the Punishment of it, see the Statute 22 H. 8. 14. and *Crompt. ubi supra*.

**Petozira**, The same with *Petraria*.

**Petra** Is a Sort of Weight, we call it a Stone, but differing in many Places of England; some-where consisting of 16, other-where of 14, 12, or 8 Pounds. — *Una libra sepi ad candelas valet obolum, & sic valet petra vi den. una libra sepi fusi ad mortarium valet obolum quadrantem, & sic valet petra ix den.* Regulæ compoti domus de

Farendon, MS. *Unus quintallus ferri vel aceri qui continet ix petras dimid. libra valet ix fol. & sic valet qualibet petra xii den. qualibet libra i den. ib.*

**Petra Lanæ**, A Stone of Wool. See *Stone*.

**Petraria** Is sometimes taken for a Quarry of Stones, and in other Places for a great Gun called *Petrard*: 'Tis often mentioned in old Records and Historians in both Senses.

*Et valido dum sorte Ducis Petraria Saxi, Ictu dimissi percussa fuisset ab alto.*

**Petty-fogger**, (from the Fr. *Petite*, small, and Sax. *Fogere*, a Wooer, Suiter, or Solicitor,) a filly Advocate, a Petty Attorney or Lawyer; or rather a Trouble-Town, having neither Law nor Conscience.

**Petuaris**, *Beverley* in *Yorkshire*.

**Petug**, *Peta*, *Pete*, Combustible Earth dug up in small Pieces for Fuel. — *ad caviandum petum & calcetum & bladum de predicto manerio suo.* — Cartular. Abbat. Glaston, MS. fol. 88. b.

**Phalera**. See *Fallera*.

**Pharos**, A Watch-Tower; no Man may build or erect any Light-Houses, *Pharos*, Sea-marks or Beacons, without lawful Warrant and Authority. 3 Inst. fol. 204.

**Philizer**. See *Filacer*.

**Picardis**, A Sort of Boats of Fifteen Tun, or upwards, used on the River of *Severn*, mentioned 34 & 35 H. 8. cap. 3. Also a Fisher-boat, 13 Eliz. 1.1.

**Picarium**, *Bicarium*, A Bowl or Cup with two Ears or Handles. — *Idem Abbas reliquit unum salarium argenteum, & picarium argenteum, item quatuor cithas de mazere.* Cartular. Abbat. Glaston. MS. fol. 54. a.

**Picage**, *Picagium*, From the French *Piquer*, *effodere*; Money paid in Fairs, to the Lord of the Soil, for breaking of the Ground to set up Booths or Stalls, *Aliquis veniens ad forum nostrum de Rudham cum rebus ejus, & frangendo vel picando aliquam placeam in dicto foro, Prior habebit inde redemptionem.* Ex *Registro Priorat. de Cokesford*.

**Picheria**, *Picherus* A Pot, a Picher. — In *ollis & picheriis emptis ii den. ob. discis & platellis, ii den. ob.* — *Consuetud. domus de Farendon*, MS. fol. 16. — *extrahet a quocumq; vase in dicta botellaria invento vinum quantum videtur necessarium pro factura unius picheri claretti, quod faciat ad sumptus Regis.* — 5 Ed. 3.

**Picorum**. See *Bicarium*.

**Pickards**, No Person shall use any Iron Cards or Pickards in rowing any Woollen Cloth, upon Pain to forfeit the same, and 20s. for every Offence, Anno 3 & 4 E. 6. cap. 2.

**Picle** alias *Wightfell*, *Pictellum*, A small Parcel of Land inclosed with a Hedge, which the common People of England do in some Places call a *Pingle*, and may perhaps be derived from the Italian Word *Picciola*, i. *parvus*.

**Picus**, *Pica*, *Pico*, An Iron Instrument for digging and pecking. A Pick, a Pick-ax. — *Videtis Lathomum inustiatum, marros, picas, sculcas bajulantem, terram fodientem, lapides scindentem, &c.* Vita Rob. Berun Epi. Hereford apud Wharioni Angl. Sac. P. 2. pag. 302.

**Pies** Powder Court, *Curia pedis pulverizati*. From the French *Pied*, i. *pes*, and *Pouldreux*, i. *Pulver-*

*Pulverulentus*; is a Court held in Fairs, to yield Justice to Buyers and Sellers, and for Redress of all Disorders committed in them; and so called, because they most usually are in Summer, and the Suiters commonly are Country-People with dusty Feet; or from the Expedition intended, in the Hearing of Causes proper thereunto, before the Dust goes of the Plaintiffs or Defendants Feet; it is held *De hora in horam*. Skene *de verbor. signific. verbo* *Pede-pulverosus*, says the Word signifies a Vagabond; especially a Pedlar, which hath no Place of Dwelling, and therefore must have Justice summarily administered to him, viz. within Three Ebbings and Three Flowings of the Sea. *Bracton, lib. 5. tract. 1. cap. 6. num. 6. calleth it Justitiam pepoudrous*. Of this Court, read the Statute 17 E. 4. cap. 2. Co. 4 Inst. fol. 272. and *Crompt. Jur. fol. 221. See Justices of the Pavilion*. This among our old Saxons was called *Ceapung-gemot, i. e.* A Court for Merchandise, or handling Matters of buying and selling. 'Tis mentioned in *Doctor and Student, cap. 5.* who tells us, 'tis a Court incident to Fairs and Markets, to be held only during the Time that the Fairs are kept.

*Pies* (Anno 3 & 4 Edw. 6. cap. 10.) Are reckoned among the Books prohibited by that Statute, but I could never learn what they were.

*Pies, Freres pies*, Were a Sort of Monks; so called, because they wore black and white Garments like *Magpies*. They are mentioned by *Walsingham, pag. 124. In quodam veteri cœmeterio, quod fuerat quondam fratrum, quos Freres pies veteres appellabant.*

*Pitancia, Pitantia*, A Pittance, a small Large, an allotted Portion of Meat and Drink distributed to the Members of some collegiate Body, or other People, upon a high Festival, a stated Anniversary, or such like Solemnity. The Design of their Institution is thus delivered in the Statutes of *Ralph Baldock Dean of Pauls, A. D. 1298.* *Pitantia sunt antiquitus vel noviter instituta propter solemnitatem Festorum augmentandam per presentiam multorum quorumcunque graduum scil. eundem habitum gestantium, & Officium seu obsequium certo die festivo seu anniversario peculiariter exercentium.* *Ex Libro Statut. Eccl. Paul. London. MS. See Pittance.*

*Pitantiarius*, The Pittancer or Officer in Collegiate Churches, who was to distribute the several Pittances at such Times, and in such Proportions as the several Founders or Donors had appointed.

*Pig of Lead.* See *Fother.*

*Pigmentum*, An old potable Liquor made of Honey and Wine, and Spices. *Ad hæc etiam in tanta abundantia vinum hic videas & siceram, pigmentum & claretum, mustum, &c. Girald. Cambr. apud Whartoni Angl. Sacr. P. 2. pag. 480.*

*Pike or Dicke.* See *Polein.*

*Pila* Is that Side of Money which we call *Pile*, because it was the Side on which there was an Impression of a Church built on *Piles*. *Fleta, lib. 1. cap. 39.* He who brings an Appeal of Robbery or Theft against another, must shew the certain Quantity, Quality, Price, Weight, Number, Measure, Valorem & Pilam, where *Pilam* signifies *figuram Monetæ.*

*Pilatus*, In the Assize of Arms, Anno 36. E. 3. *Omnes alii qui possunt habere arcus & sagittas,*

*extra forestam habeant; qui vero in foresta, habeant arcus & pilatos.* Dr. *Wat* in his *Glossary* on this Word, is guilty of a plain Mistake: For, says he, *In statuto nostro, Anno 13 Ed. 1. cap. 6. Anglice vertitur bolt, sed viderint ipsi Legales annon potius pro sagittis ferro spiculis v. x sit accipienda. Nam sagitta spiculum the Pile adhuc dicimus. Bolts sunt sagitta catapultarum tota lignea & obtusa quibus aves ferimus.* The Word is properly rendered *Bolts, i. e.* Blunts, or blunted Arrows. For Persons without the Bounds of a Forest, might shoot with sharp or pointed Arrows; but within the Forest, to preserve the Deer, they were to shoot only with Blunts, or Bolts, or Piles. For what *Mat. Paris.* calls *Pilatos*, is termed a *Pile* in the Statutes of *William King of Scotland, c. 23. de venientibus ad guerram, sect. 5. & omnes ubiq; qui habere poterunt, habeant arcum & sagittas extra forestam, & infra forestam arcum & Pile.* Hence *Sagitta pileta* was opposed to *Sagitta barbata*; this latter, the bearded Arrow, was made for sharp and deeper Execution, but the piled Arrow had a Pile or Button fixed near the Point, to hinder the Entrance of it. As *Blunts* opposed to *Sharps* in *Rapiers.* *Cum intrant predictam forestam ad versandum Forestarii non portabunt in bosco sagittas barbata sed pileitas.* Anno 31 H. 1.

*Pilettus,* *Et quod Forestarii sui non portabunt sagittas barbata sed Pilettas.* *Carta Rogeri de Quincy, 31 H. 3.* Such Arrows as had a round Knob a little above the Head, to hinder them from going too far into the Mark, from the Latin *Pila*, which signifies any round Thing like a Ball.

*Pileus suppositionis*, A Cap of Maintenance. Pope *Julius* sent such a Cap with a Sword to *Hen. 8. Anno 1514. Holling. pag. 827.* but there is Mention made of such a Cap by *Hoveden, pag. 656.* at the Coronation of *Richard the First*, where it is said, *Deinde venerunt Godofridus de Luci portans pileum Regium, & Johannes Marescallus juxta eum portans duo calcarea aurea, &c.*

*Pille of Foddraz or Fouldrez*, In the County Palatine of *Lancaster, Anno 2 H. 6. cap. 5.* seems to be a Defence built on a Creek of the Sea, and called *Pille* by the Idiom of the Country for a *Pile*. This *Pile* was erected there by the Abbot of *Fornesse*, in the first Year of *Edw. 3. Cam. Brit. Rex.* *Dedimus Henrico Comiti Northumberland insulam, castrum, Pelam & Dominium de Man, &c. Rot. Pat. 1 Hen. 5. m. 6.*

*Pillory* (*Collistrigium, q. Collum stringens; Pilloria*, from the French *Pilleur, i. e. Depeculator,*) is an Engine made of Wood to punish Offenders, well known. By the Statute of 51 Hen. 3. you may see who were then subject to this Punishment. In the Laws of *Canutus, cap. 42.* It is called *Halifange*. *Sir Henry Spelman* says, *'tis Supplicii Machina ad ludibrium magis quam pœnam.* *Item utimur tenere Statuta Pistorum omnino sicut antecessores nostri tenuerunt, viz. Quod si Pistor in male agendo puniatur per tres vices, & si post tertiam monitionem culpabilis inveniatur, Balivi Capitales, si ipsum poterint invenire, ipsum capiant, & pro toto puniant, & habebit vile & odibile Judicium de Collistrigio, i. e. the Pillory. MS. Codex de LL. & Consuetud. Burgi-villæ Montgomi. a temp. Hen. 2. fol. 12. b. See Healfang.*

*Pilta terra*, A *Pill*, a small Piece or Slip of Ground. *Noveritis me dedisse quatuor casus terra* &

¶ *unam piltam prati vocatam Walske pille infra parochiam predictam.* — Cart. Thomæ Episc. Batho Well. Dat. 4 Nov. 4 E. 4.

¶ *Ad pinnas bibere,* The old Custom of Drinking brought in by the Danes, was to fix a Pin in the Side of the Wassel-bowl or wooden Cup, and so to drink exactly to the Pin, as now in a sealed Glass, &c. This provoking Art of Drunkenness was forbid the Clergy, in the Council at London, Anno 1102. *Presbyteri non eant ad potationes, nec ad pinnas bibant.* Du Fresne cites this Constitution in the Word *Pinna*, and betraying his Ignorance in English Matters, would correct the Word; *Fortè (inquit) legendum pilas, i. e. tabernas.*

¶ *Pinfinochium,* A Bake-house, *Locus pinsandi ubi panes conficiunt.* The Book of St. Albans in the Life of Paul the fourth Abbot there, says, *Iste hanc Ecclesiam caeteraque adificia, præter Pistrinam & Pinfinochium, reedificavit ex Lapidibus & tegulis veteris civitatis Verolamii,* &c. by which it seems that many of the Ruins of that ancient City remained until that Abbot's Time, who died Anno 1093.

¶ *Pioneers* Cometh of the French *Pionier*, i. *fossor*, and signifieth such Labourers, as are taken up for the King's Army, to cast up Trenches, and undermine Forts. 2 & 3 E. cap. 20.

¶ *Pipe, Pipa,* Is a Roll in the Exchequer, otherwise called *The great Roll*, Anno 37 E. 3. cap. 4. See *Clerk of the Pipe*. It is also a Measure of Wine or Oyl, containing half a Tun, that is, Six-score and six Gallons. 1 R. 3. 3.

¶ *Pirata, A Pirate*, is now taken for one who maintains himself by Pillage and Robbing at Sea. But in former Times, the Word was used in a better Sense, being attributed to such Persons to whose Care the Mole or Pier of a Haven was intrusted. And sometimes for a Sea-Soldier, according to the learned *Spelman*. The Word is mentioned in 13 Car. 2. cap. 6. and the Punishment of them in 28 H. 8. cap. 115. *Affer. Menevens. Epist. in vit. Ælfredi* — *Rex Ælfredus jussit cymbas & galeas, i. longas naves fabricari per Regnum, ut Navali prælio hostibus adventantibus obviaret: Impositisque piratis in illis, vias maris custodiendas commisit.*

¶ *Pisa*: The same with *Piesā*, a Pound-Weight; *Tres pisas caseorum.* Will. Thorn. pag. 1777, 1931.

¶ *Piscary* (*Piscaria*, from the Fr *Pescherie*, i. e. *Piscatio*.) Is a Liberty of Fishing in another Man's Waters: In Law-French, *Pecherie*. Vide *Ryly's Plac. Parl.* 646.

U *Niversis presentes literas inspecturis Edmundus filius inclite recordationis Henrici Regis Anglie salutem. Sciatis nos dedisse & concessisse Henrico Howeyn de Huttokeþatber totam Piscariam nostram in stagno nostro supra molendinum suum de Huttokeþatber. Habendum, &c. In cujus rei, &c. Dat. apud Tuttebir. per manum Hugonis de Gien Clerici nostri octavo die Julii, Anno regni Regis Edwardi germani charissimi xi. Penes Walterum Kirkham Blount, Bar.*

¶ *Piscenarius* Is used in our Records for a Fishmonger. *Pat. 1 Ed. 3. Pars 3 M. 13.* See *Puleterius*.

¶ *Pit*, It is a Hole wherein the Scots use to drown Women Thieves. *Skene*.

¶ *Pit and Gallows.* See *Fossa and Furca*.

¶ *Pitance, Pitancia*, a small Repast of Fish or Flesh. *Rot. Char. de Anno 1 Reg. Joh. pag. 2. num. 115. Johannes Dei Gratia, &c. Noverint, &c. nos assensum nostrum præbuisse, &c. de Manerio de Milde-Hall, quod Manerium sancto Edmundo sicut jus suum concessimus, &c. ita quod, qui pro tempore Sacrista fuerit, 12 s. de redditu altaris annuatim persolvat Hospitali S. Salvatoris quod est extra muros Sancti Edmundi, &c. in usus pauperum, &c. & 40 s. ad refectiorem Monachorum qui illis diebus Officia divina pro defunctis celebrabunt, quæ refectio pitania vocatur.* See *Spelman verbo Pitanciarium*.

¶ *Pitanciarium* Was an Officer in the Monasteries, whose Business it was to provide and distribute the *Pitances* of Herbs and Meat amongst the Monks. 'Tis mentioned in the *Monast.* 1 Tom. pag. 148.

¶ *Pitching pence*, (commonly a Penny) Is that Money which is paid for *pitching* or setting down every Sack of Corn, or Pack of any other Merchandise in Fairs or Markets.

¶ *Piteñ* alias *Pighteñ*. See *Picle*.

¶ *Pitiffare* for *Potare*: *Inter labia sua sonitum pitiffando faciat.* *Eadmerus in vita Anselmi.* cap. 15.

¶ *Placard*, Anno 2 & 3 P. & M. cap. 7. Is a License whereby a Man is permitted to shoot in a Gun, or use unlawful Games: In French it signifies a Table, where Orders are written, and hung up; and *Placaert* in Dutch is an Edict or Proclamation. See 33 H. 8. 6.

¶ *Placeta* Seems to signify a Piece or Parcel, if of Lands; and a Place, if of a House or Messuage; as *Placeta Messuagii*, *Placeta Prati*, and *Placeta Pastura*.

¶ *Placita*, *Pleas*, or *Pleadings*, or *Debates* and *Trials at Law*. *Placita* is a Word often mentioned in our Histories and Law-Books: At first it signified the publick Assemblies of all Degrees of Men where the King presided, and where they consulted about the great Affairs of the Kingdom; and these were called *Generalia Placita*, because *Generalitas universorum majorum tam Clericorum quam Laicorum ibidem conveniebat*. This was the Custom in our neighbouring Nation of France, as well as here, as we are told by *Hincman*, *De Ordine palatii*, cap. 29. And by *Bertinian*, in his *Annals of France* in the Year 767.

Some of our Historians, as *Simeon of Durham*, and others, who wrote above 300 Years afterwards, tell us, that these Assemblies were held in the open Fields; *Nullam enim oportet Regem in literis assignare Curiam, quia ubi Rex judicat in aperto; ibi est Curia sua*. Some are of Opinion, that these *Placita generalia*, and *Curia Regis*, were what we now call a Parliament: 'Tis true, the Lords Courts were so called, viz. *Placita generalia*, but oftner *Curie generales*, because all their Tenants and Vassals were bound to appear there.

We also meet with *Placitum nominatum*, i. e. the Day appointed for a Criminal to appear, and to make his Defence. *Leg. H. 1. cap. 29, 46, 50. Placitum fractum*, i. e. when the Day is past. *Leg. H. 1. cap. 59.* My Lord Coke tells us, that the Word is derived from *Placendo*, quia bene placitare super omnia placet: This seems to be a very fanciful Derivation of the Word; I rather think it derived from the German *Platz*, or from the Latin *Plateis*, i. e. Fields or Streets where these Assemblies or Courts were first held. But this Word *Placita* did sometimes signify Penalties, Fines, Mulcts, or Emendations, according to *Gervase*



*Geruase of Tilbury, or the Black Book in the Exchequer, Lib. 2. Tit. 13. Placita autem dicimus pœnas pecuniarias in quas incidunt Delinquentes.* So in the Laws of Hen. 1. cap. 12, 13. Hence the old Rule of Custom, *Comes habet tertium denarium Placitorum*, is to be thus understood; the Earl of the County shall have the third Part of the Money due upon Mulcts, Fines, and Amerciaments, imposed in the Assizes and County-Courts.

**Placitare**, i. e. *Litigare & causas agere*, To plead. *Mos placitandi ante Conquestum fuit coram Aldermano & Proceribus, & coram Hundredariis, sc. Baronibus, Majoribus, Melioribus, Senioribus, & Urbanis.* MS. in Bibl. Cotton. sub Tit. Vitellius, cap. 9.

**Placitator**, A Pleader. *Ralph Flambard* is recorded to be *totius Regni Placitator*, in *William the Second's* Time.

**Plaint**, *Querela*, Is used for the propounding or exhibiting of any Action personal or real in Writing, and so it is used, *Bro. Tit. Plaint in Assise*; and the Party making this *Plaint*, is called *The Party Plaintiff*. *Kirchin*, fol. 231.

**Planchia**, A Plank of Wood. *Concessi præterea Materiam in bosco meo de Forma ad prædictum Molendinum reparandum extra planiciis.* *Carta Stephani Devereux Mil. 1.* All Materials of Wood except Planks.

**Planetæ**, The same with *Casula*; which see.

**Plate**, A Hoy, or Water Vessel so called, *Anno 13 Eliz. cap. 15.*

**Plaustrata fœni**, A Cart-Load of Hay.—*Concessi unam Plaustratam fœni apud Maltesbur. Reg. Priorat. de Wormesley, fol. 64.*

**Plea**, *Placitum*, (from the Saxon *Pleo*, or *Pleob*, i. e. *Furis actio*) Signifies that which either Party alledgeth for himself in Court, which was wont to be done in *Fremb* from the Conquest until *Edward the Third*, who ordained them to be done in *English* in the Six and thirtieth Year of his Reign, cap. 15. These are divided into *Pleas* of the Crown and Common *Pleas*. *Pleas* of the Crown of Scotland be Four, viz. Robbery, Rape, Murder, and wilful Fire. *Skene de verb. signif. verbo Placitum.* With us they be all Suits in the King's Name, against Offences committed against his Crown and Dignity. *Staundf. Pl. Cor. cap. 1.* or against his Crown and Peace. *Smith de Rep. Angl. lib. 2. cap. 9.* And those seem to be Treasons, Felonies Misprisions of either, and *Maimem. Co. 4 Inst. cap. 10.* *Edward the First* enfeoffed *Walter de Burgo* in the Land of *Ulster* in Ireland, excepting the *Pleas* of the Crown, to wit, Rape, Horstal, wilful Firing and Treasure-trove. *Cambd. Tit. Ireland.* Common *Pleas* be those that be held between common Persons, yet by the former Definitions they must comprise all other, though the King be a Party. *Plea* may farther be divided into as many Branches as Action; which see, for they signify all one. Then there is a Foreign *Plea*, whereby Matter is alledged in any Court, that may be tried in another. As if one should lay Bastardy to another in a Court-Baron. *Kitbin, f. 75.* The Word *Placitum* is used by the Commentators upon the *Frends* in the same Signification that *Pleas* be with us, and *placitare* with them is *Litigare & Causas agere*. *Hotom. in verbo Feudal. verbo Placitare.*

**Pleadings** Are all the Sayings of the Parties to Suits after the Count or Declaration, to wit,

whatever is contained in the Bar, Replication and Rejoinder, and not in the Count it self; and therefore Defaults in the Matter of the Count are not comprised within *Mispleading*, or insufficient *Pleading*, nor are remedied by the Statute of *Jeofailes*, 32 H. 8. but only the *Mispleading* or insufficient *Pleading* committed in the Bar, Replication and Rejoinder; but those are now remedied also by 18 Eliz. cap. 13.

**Pleas of the Sword**, *Placita ad gladium*: *Ranulph* the third Earl of *Chester*, in the second Year of *Henry the Third*, granted to his Barons of *Cheeshire* an ample Charter of Liberties, *Exceptis placitis ad gladium meum pertinentibus.* *Rot. Pat. in archivio Regis infra castellum Cestria, 3 E. 4. m. 9.* The Reason was, because King *William the Conqueror* gave the Earldom of *Chester* to his Kinsman *Hugh*, commonly called *Lupus*, Ancestor, to this Earl *Ranulph*, *Tenere ita libere per gladium, sicut ipse Rex Willielmus tenuit Angliam per Coronam.* And consonant therunto in all Indictments for Felony, Murder, &c. in that County-Palatine, the Form was anciently, *Contra pacem Domini Comitit, Gladium & dignitates suas, or Contra Dignitatem Gladii Cestrie.* These were the *Pleas* of the Dignity of the Earl of *Chester*. *Sir P. Leicester's Hist. Antiq. fol. 164.* See *Gladius*, Or *Placita Ensis*, i. e. *Alta justitia*, or Sovereign Authority and Jurisdiction.

**Plebania**, *Plebanalis Ecclesia*, A Mother-Church, which has one or more subordinate Chapels.—*Radulphus de Salopia Episcopus Bathon. & Well. univit Ecclesiam plebanalem de Obyw mensa sua Episcopali.* *Whartoni Angl. Sacr. P. 1. pag. 569.*

**Plebanus**, A Rural Dean, because the Deaneries were commonly affixed to the *Plebania*, or chief Mother-Churches within such a District, at first commonly of Ten Parishes.—*John Peckham* Archbishop of *Cant.* ordained that the Church of *Terringes* and Chapel of *Paschings* in the Diocese of *Chichester* should be two several Parish-Churches.—*Volumus igitur ut in Ecclesia de Terryng cum capellis suis de Duryngton & Hyen unus tantummodo præsideat Rector in posterum, & curam habeat illarum animarum, quæ etiam Ecclesia suam habebit vicarium perpetuum residentem, qui Plebani sive Decani fungens officio jurisdictionem ordinariam, quam eidem vicaria & officio anneximus, perpetuo in clero & populo ipsius Ecclesia parochia cum dictis capellis, & etiam in parochia de Paschyng, habeat & exerceat secundum canonicas Sanctiones.*—*Ecclesia de Terryng alium Rectorem suum curam animarum habentem optineat in futurum, qui etiam vicarium sub se perpetuum habeat, qui teneatur ibidem personaliter & continue residere & subesse in mandatis canonicis Plebano sive decano de Terryng.*

*Dat. 4 Febr. 1287. Reg. Eccles. Christi Cantuar. MS.* Yet I believe from this, and other Authorities, it might be inferred, that *Plebanus* was not the usual Title for every Rural Dean, but only for such a Parish-Priest in a large Mother-Church, exempt from the Jurisdiction of the Ordinary, who had therefore the Authority of a Rural Dean committed to him by the Archbishop, to whom the Church was immediately subject.

**Pledge**, *Plegius*, May be derived from the Fr. *Pleige*, *fidejussor*, as *Pleiger ancum*, i. e. *fide-jubere pro aliquo*; in the same Signification is *Plegius* used by *Glauvil, lib. 10. ca. 5.* and *Plegiatio* for the Act of Suretyship in the Interpreter of the *Grand Customary of Normandy, cap. 60.* *Plegii dicuntur persone, quæ*

*qua se obligant ad hoc, ad quod qui eos mittit, tenebatur*; And in the same Book, *cap. 89, 90. Plegiatio* is used in the same Sense with *Glanville*, so *aloi plegii* be used for *plegii*, Pupil. oculi. part 5. *cap. 22. Charta de Foresta*. This Word *plegius* is used also for *Frankpledge* sometimes, as in the End of *William the Conqueror's Laws*, set out by *Lambard* in his *Archaimom.* fol. 125. in these Words, *Omnis homo qui voluerit se teneri pro libero, sit in plegio, ut plegius eum habeat ad justitiam, si quid offenderit, &c.* And these be called *Capital Pledges*. *Kit. bin.* fol. 10. See *Frank-pledge*, and *Co. 4 Inst.* fol. 180.

*Pledgery* or *Pleagery*, (French *Pleigerie*, Latin *Plegiagium*.) Suretiship, an Undertaking or Answering for. Also the Appellant shall require the Constable and Mareschal to deliver his *Pleggs*, and to discharge them of their *Pleggery*; and the Constable and Mareschal shall ask Leave of the King to acquit his *Pleggs*, after that the Appellant is come into the Lists to do his Devoir. *Orig. Jur. ex vetusto Codice MS. in Bibl. Seldeniana. Quod si contingat dictos fidejussores meos aliquod dampnum incurvere, occasione Plegiagii mei.*—— *Charta R. Hurtesley*, sine dat.

*Plegius acquietandis* Is a Writ that lies for a Surety, against him for whom he is Surety, if he pay not the Money at the Day. *F. N. B.* fol. 137. *Regist. of Writs*, fol. 158.

*Pleisseicium*, A Park or Wood enclosed with Hedges: 'Tis mentioned in *Orderic. Vital.* lib. 5. pag. 583. *Tunc etiam dedit totam decimam de norum propriumque pleisseicium & partem silva, &c.*

*Plena forisfactura & plena wita.* See *Forfeiture*.

*Plenary* Is an Abstract of the Adjective *Plenus*, and is used in the Common Law in Matters of Benefices, where *Plenary* and *Vacation* are direct Contraries. *Staundf. prerog.* cap. 8. fol. 32. *Westm.* 2. cap. 5. Institution is a good *Plenary* against a common Person, but not against the King without Induction. *Co. on Lit.* fol. 344.

*Plevin*, *Plevina*, From the Fr. *Pluvine*, a War-rant or Assurance. See *Replevin*.

*Plight* Is an old English Word, signifying sometimes the Estate with the Habit and Quality of the Land, and extends to Rent-charge, and to a Possibility of Dower. *1 Inst.* fol. 221. b.

*Plita terræ*, A *Plight*, a *Plightel*, a small Portion or Spot of Ground.—— *Dicunt per sacramentum suum quod tempore Willielmi de Buttone quondam Rectoris Ecclesie de Sowry tota decima de plita qua vocatur Levide*—— *Mede caviata fuit apud Sowry.* Cartular. Abbat. Glaston. MS. fol. 76. b.

*Plite of Laton*, Anno 3 E. 4. cap. 5. Seems to be a Measure then in Use, as a Yard or an Ell now.

*Plonkets*, *1 R.* 3. cap. 8. A Kind of coarse woollen Cloth, otherwise called *Veroise*.

*Plow-Almes*, *Eleemosyna aratralis*. Anciently every *Plow-Land* paid a Penny to the Church, — *De qualibet caruca juncta inter Pascham & Pentecosten, unum denarium, qui dicitur Plow-Almes.* Mon. Angl. 1 par. fol. 256.

*Plow-Land*, *Carucata terra*, The same with a Hide of Land, which see.

*Plurality*, *Pluralitas*, 21 Hen. 8. cap. 13. The having more than one, chiefly applied to some Churchmen, who have Two, Three or more Benefices. *Selden* in his *Titles of Honour*, fol. 687. mentions *Trialities* and *Quadralities*.

*Pluries* Is a Writ that goeth out in the third Place, after Two former Writs have had no Effect; for first the original *Capias* issues, and if that speed not, then goeth out the *sicut Alias*, and if that also fail, then the *Pluries*. See *Nat. Brev.* fol. 33. in the Writ *De Exoni. capiendo*. See in what Diversity of Cases it is used in the Table of the *Original Register*.

*Plubiale*, A Garment which covered the whole Body, and defended it from the Rain; and for that Reason a Cap was so called, because it defended *Caput a Pluvia*.

*Pocket of Attool* Is half a Sack. *3 Inst.* fol. 96. See *Pack of Wool*.

*Ponus*, A Country-House: 'Tis mentioned in *Mon. Angl.* 3 Tom. pag. 194. *Ablatis filiis septem, patre funesto vir magna pietatis nutrit eos, & ad studium literarum misit quos in podo suo dimisit.*

*Pokes*, Side-Gowns, or long sleeved Gowns, which Fashion grew so affected and extravagant, that the Wearing of them was prohibited by *Philip Repingdon* Bishop of *Lincoln*, in his *Injunctions* Anno 1410.—— *Item quod dicti vicarii & Clerici quicunque, & precipue cum fuerint revesiti, inhonestis togis suis cum longis manicis vulgariter Pokes nuncupatis non utantur.* Ex *Collectan. Matr. Hutton.* S. T. P. MS.

*Pole*. See *Perch*.

*Poledabis*, A Kind of coarse Canvas used by the Salesmen in making up their Ware. *1 Jac.* cap. 24.

*Poledrus*, i. e. A Colt: Sed & *poledrum denario, vitulum obolo redimant.*

*Poleine* Was a Sort of Shoe, sharp or pick-ed, and turned up at the Toe; they first came in Fashion in the Reign of *William Rufus*, and by Degrees came to be of that excessive Length, that in *Richard* the Second's Time they were tied up to the Knees with Gold or Silver Chains, according to the Dignity of the Wearer: They were forbidden by *Edward* the Fourth, in the Fifth Year of his Reign, under a great Penalty, to be worn so long: But were not utterly laid aside till the Reign of *Henry* the Eighth. *Malmsbury*, in the Life of the fore-mentioned *William Rufus*, speaking of the Excesses of those Times, hath these Words, *Tunc fluxus crinium, tunc luxus vestium, tunc usus calceorum cum arcuatis aculeis inventus est.*

*Polentarius*, i. e. A Maltster, *Polentarii qui brasum curant & faciunt.* Will. Thorn, pag. 2206.

*Poleta*, The Ball of the Foot: *Tres orthilli scindantur de pede anteriori sine Poleta.* Matr. Paris Anno 1215.

*Poletar* for *Polenta*. *Fleta*, Lib. 2. cap. 14.

*Poletria*, i. e. A Stud of Colts: 'tis mentioned in *Fleta*, Lib. 2. cap. 87. *Item ejus est facere Butyrum, curamque de Polerria obtinere.*

*Polhachetum*, A Pole-Hatchet, a Pole-Ax. — *Walterus de Blancheney implacitatur eo quod Dominum suum in capite cum quodam polhacheto felonice percussit.* Placit. 12 Ed. 2.

*Policy of Assurance*, *Asscuratio*, Is a Course taken by those who do adventure Wares or Merchandise to Sea, whereby they, unwilling to lose the whole Adventure, do give unto some other a certain Rate or Proportion, as Ten in the Hundred, or such like, to secure the safe Arrival of the Ship, and so much Wares at the Place

Place agreed upon; so that if the Ship and Wares do miscarry, the Assurer maketh good to the Adventurer so much as he promised to secure; if the Ship arrive safely, he gaineth that clearly which the Merchant compoundeth to pay him. And for the more even dealing between the Merchant and the Assurer in this Case, there is a Clerk or Officer ordained to set down in Writing the Sum of their Agreement; and this is called *Pollicy*, to prevent any Difference that might after happen between them. This is mentioned 43 *Eliz. cap. 12.* and 14 *Car. 2. cap. 23.* And is now many Times used to insure Mens Lives in Offices, who have paid great Sums of Money for the Purchase thereof, and are insured from that Adventure by a certain Company of Merchants or Citizens, for Three or Four per Cent. subscribing or under-writing the Agreement, *Pollicy* or *Insurance*, who do among them share the *Premium* or Money given, and run the Hazard of it. Such *Assurances* or *Policies* are not seldom also used in other Matters, where Loss or Damage is feared.

*Pollard*, A Sort of spurious Coin, which with *Crocards* were long since prohibited. *Mat. Westm. in Anno 1299. pag. 413.* *Pollards*, *Crocards*, *Stalldings*, *Eagles*, *Leenines* and *Steepings*, were heretofore several Sorts of Money used in England, but long since disused. 2 *Inst. fol. 577.* We also call those Trees *Pollards* or *Pollengers*, which have been usually cropt, and therefore distinguished from Timber-Trees. See *Plowden, fol. 469. b.* In *Walsingham* and *Knighton, Anno 1301.* *Prohibita est moneta alienigenarum surreptitio & illegitima, quam Pollardos & Cocodones atque Rosarios appellabant, qui paulatim & latenter loco irreperunt Sterlingorum, hanc monetam primo Rex Edwardus jusserat valere obolum, deinde omnino exterminavit.*

*Poller*, Properly signifies the Thumb, but metaphorically it signifies an Inch, *Pollex in omni mensura debet mensurari ad radicem unguis, & debet stare ex longitudine trium granorum hordei boni sine caudis.* *Spelm.*

*Pollinctors*, The Embalmers of dead Bodies, such as prepare them for their Funeral and Interment. *Ulp. de Inst. Att. l. quicumque. Si libitarius inquit servum pollinctorem habuerit, isque mortuum spoliaverit, dandam in eum quasi actionem instituiam.*

*Poll-Poney*, *Capitatio*, Was a Tax ordained by Act of Parliament, 18 *Car. 2. cap. 1.* and 19 *Car. 2. cap. 6.* By the First of which every Subject in this Kingdom was assessed by the Head or Poll, according to his Degree, viz. every Duke 100*l.* every Marquess 80*l.* &c. Barons 30*l.* Knights 20*l.* Esquires 10*l.* &c. and every single Person 12*d.* &c. And that this is no new Tax, appears by former Acts of Parliament, where *Quilibet tam conjugatus, quam solutus utriusque sexus pro capite suo solvere cogebatur.* *Parliam. Anno 1380.* *Walsingham Ypod. 534.* There was anciently (says *Camden* in his Notes upon Coins) a personal Tribute called *Capitatio* (*Poll-silver*) imposed upon the Poll or Person of every one, of Women from the Twelfth, of Men from the Fourteenth Year of their Age.

*Polygamus* Is he that is married to Two, or more Wives together. 3 *Inst. fol. 18.*

*Pomellum*, Properly a round Ball set on the Top of any Building, a pomi similitudine, *Fr. Pommeau, Pommelle, Angl. Pommel* or *Pummel*. *Ecclesia S. Pauli London. continet in longi-*

*tudine DCLXXXX pedes, in latitudine CXXX pedes — altitudo fabrica lapidea campanilis ejusdem Ecclesia continet a plana terra CCLX pedes, altitudo fabrica lignea continet CCLX pedes, attamen in toto non excedit quingentos XX pedes. Item pomellum ejusdem campanilis continet in sua concavitate, si fuerit vacuum, X bussellos bladi, cujus rotunditas diametri continet XXXVI uncias quae faciunt tres pedes, &c. Ex Chronico Eccles. Salisber. Cotton. Cleopatra. B. 4.*

*Pomeranum, i. e. An Orchard. In Mon. Angl. 2 Tom 129. Concedo etiam eas duas partes decimarum totius farni mei & Pomeranci & totius pannagii mei.*

*Pondage.* See *Poundage.*

*Ponderare.* It was a Custom formerly to weigh sick Children at the Tomb of a Saint, and to balance the Scales with Wheat Bread, or with any Thing which they were willing to offer either to God or his Saints, but always with some Money, and by this the Cure was performed. *Ad sepulchrum Sancti nummo se ponderabat.*

*Pondus*, *Poundage*, Which Duty with that of *Tonnage*, was anciently paid to the King according to the Weight and Measure of Merchants Goods. — *Rex majori & civibus Winton. & omnibus has literas inspecturis salutem. Sciatis quod dedimus dilecto & fideli nostro Britoni Balistario pondus civitatis nostra Winton. & portum borealem ejusdem civitatis cum omnibus ad predictum pondus & portum pertinentibus. — Pat. 1 H. 3. m. 10.*

*Pondus Regis*, The Standard-Weight appointed by our ancient Kings — *Anno 35 Edw. 1. Praeceptum fuit Majori & Vicecom. Lond. Cum inter ceteros Articulos quos Rex per Cartam pro se & heredibus suis concessit Mercatoribus extraneis & alienigenis, cum bonis & mercandis suis infra regnum & potestatem Regis venientibus, ordinaverit quod in qualibet villa mercatoria & seria infra idem regnum & potestatem Regis Pondus Regis in certo loco ponatur; & ante ponderationem statera in praesentia emptoris & venditoris vacua videatur, & quod brachia ejusdem statera sint equalia, & extunc ponderator ponderet in equali, & cum stateram posuerit in equali amoveat manus suas, ita quod remaneat in equali, per quod Dominus Rex pluries praecipit quod eisdem Mercatoribus ordinationem Regis predictam — facerent in omnibus inviolabiliter observari. — Ac ipsi Major & Vicecom. concessionem Regis predictam reprobando Regi significaverunt quod modus ponderandi averia ponderis ad civitatem London. venientia a tempore quo non extat memoria talis extitit & adhuc existit, quod statera semper trahat meliorem, hoc est, versus rem emptam, & eodem modo venduntur dicta averia Archiepiscopis, Episcopis, Comitibus, Baronibus, &c. Dominus Rex eis adhuc praecipit firmiter injungens quod ordinationem Regis predictam inviolabiliter observari facerent, & Pondus Regis in certo loco ponerent. Ex libro Placitorum temp. Regum Ed. 1. & Ed. 2. MS. fol. 159. From this good Authority it seems easy to infer that what we call *Troy-Weight* was this *Pondus Regis* or *le Roy Weight*, with the Scales in equilibrio, as we now say *Gold-Weight*. Whereas the *Aver du pois* was the fuller Weight with a declining Scale, which had been the common Use within the City of London.*

*Pone* Is a Writ, whereby a Cause depending in the County, or other inferior Court, is removed to the Common Bench. *Old Nat. Brev. fol. 2. See Table of the Reg. of Writs.*

**Ponendis in Affis** Is a Writ founded upon the Statute of *Westm. 2. cap. 38.* and upon the Statute of *Articuli super Chartas, cap. 9.* which Statutes do shew what Persons Sheriffs ought to impanel upon *Affises* and Juries, and what not; as also what Number, which see in *Reg. Orig. fol. 178. F. N. B. fol. 165.*

**Ponendum in Ballium**, Is a Writ, commanding a Prisoner to be bailed in Causes bailable. *Reg. Orig. fol. 133.*

**Ponendum sigillum ad exceptionem** Is a Writ, whereby the King willeth the Justices, according to the Statute of *Westm. 2.* to put their Seals to Exceptions laid in by the Defendant against the Plaintiffs Declarations, or against the Evidence, Verdict, or other Proceedings before the Justices.

**Pone per Vadium** Is a Writ commanding the Sheriff to take Surety of one for his Appearance at a Day assigned. Of this see Five Sorts in the Table of the Register *Judicial, verbo Pone per Vadium.*

**Pontage** (*Pontagium*), Is a Contribution towards the Maintenance or Re-edifying of Bridges. *Westm. 2. cap. 25.* It may also signify Toll taken to this Purpose of those that pass over Bridges. *Anno 1 Hen. 8. cap. 9. 22 Hen. 3. cap. 5. and 39 Eliz. cap. 24. Per Pontagium clamat esse quiet. de operibus pontium.* Plac. in Itin. apud Cestriam 14 Hen. 7. This was accounted one of the Three publick Charges on the Nation, from which no Person of what Degree soever was exempted, viz. from the Charge of an Expedition to the Wars, from building of Castles, and from building and repairing Bridges: And this was called *Trinoda necessitas*; from which *Ingulphus* tells us, *nulli possunt laxari.* And Mr. Selden, in his Notes upon *Eadmerus*, writes, that *ne quidem Episcopi, Abbates & monachi immunes erant.* And *Mat. Paris*, Anno 1244, tells us, that in all the Grants of Privileges to Monasteries, these three Things were always excepted, *propter publicam regni utilitatem*, that the People might the better resist the Enemy.

**Pontes**, *Colebrook* in *Buckinghamshire.*

**Pontibus reparandis**, Is a Writ directed to the Sheriff, &c. willing him to charge one, or more, to repair a Bridge, to whom it belongeth. *Reg. Orig. fol. 153.*

**Ponticus**. See *Porticus*.

**Pozca**, A Ridge of Land. See *Ridge of Land.*

**Pozcarv**, (*Porcaria*, according to *Fleta*.) A Swine's Sty: But *Porcheria* elsewhere occurs.

*Ex dono Simonis de Coston quandam placeant in bosco de Coston ad quandam Porcheriam faciendam, &c.* Mon. Angl. 1 par. fol. 473. b. & fol. 363.

**Pozpizum**. See *Purpizum*.

**Porter** in the Circuit of Justices Is an Officer that carries a white Rod before the Justices in Eyre, so called a *Portando virgam*, Anno 13 Edw. 1. cap. 41. See *Vergers*. There is also a Porter bearing a *Verge* before the Justices of either Bench.

**Porter of the Door** in the Parliament House, Is an Officer belonging to that High and Honourable Court, and enjoys the Privileges accordingly. *Crompt. Jurisd. fol. 11.*

**Portgreve**, *Portgreuius*, In Saxon *Portsefese*, that is, *urbis vel portus prefectus*; Signifies with us a Magistrate in certain Sea-Coast Towns; and as

*Cambden* in his *Brit. pa. 325.* saith, the chief Magistrate of London was so called, as appears by a Charter of King *William the Conqueror* to the same City in these Words.

*Charta Willielmi Conquestoris Civitat. London.*

**William King**, Greete *William Bishop* and *Godfrey Portgreve*, and all the *Burgeis* within London, French and English: And I grant you, That I will that you be all your Law-worth that ye were in Edwardis Days the King: And I will that each Child be his Fathers Eyre, and I will suffer, that any Man you any Wrongys breed. And God you keep. *Ex libro pervetusto.*

In whose Stead *Richard the First* ordained Two Bailiffs, but presently after him King *John* granted them a Mayor for their yearly Magistrate. And the same *Cambden* speaking of *Maidstone* in Kent, says, *Immunitates plurimas Regina Elizabetha fert acceptas, qua majorem summum Magistratum instituit pro Portgrevio quem primum habuit, &c.*

**Portiforium**, The Ecclesiastical Ensign or Banner provided of old in all Cathedral, and most Parochial Churches, to be solemnly carried in the Front of any Procession, &c. — *Magnum Portiforium ex parte Decani vocatum Standard propter vetustatem fuit nimis defectivum.* — *Articuli in visitat. Eccl. Ebor. Anno 1392.*

**Porticulus**, A little Porch or Arch built over the Tombs of dead Men. *Leg. H. 1. cap. 83. Si quis corpus in terra vel nasso vel petra sub piramide vel structura qualibet p situm sceleratus infamationibus effodere vel spoliare presumpserit, &c.* In some Authors 'tis called *Ponticus*, because arched in the Shape of a Bridge.

**Portion**, (*Portio*), Is that Allowance or Proportion which a Vicar commonly has out of a Rectory or Impropriation, be it certain or uncertain. *Stat. 27 H. 8. cap. 28.*

**Portioner**, (*Portionarius*), — *Pateat universis quod ego Johannes Botelere, Porconarius secundæ portionis Ecclesiæ de Bromyard, dedi* — dat. 17 R. 2. Where a Parsonage is served by Two, or sometimes Three Ministers alternately, as *Bromyard supra Burford*, in *Shropshire*, &c. the Ministers are called *Portioners*, because they have but their *Portion* or Proportion of the Tithes or Profits of the Living.

**Portmen**. Anno 13 Eliz. cap. 24. The Twelve Burgeises of *Ipswich* are so called. So also are the Inhabitants of the *Cinque Ports*, according to *Cambden*.

**Portmote** Is a Compound of *Porte*, *portus*, and *Gemot*, *conventus*, and signifies a Court kept in Haven-Towns, as *Sewainmote* in the Forest. It is called the *Portmote Court*, 43 Eliz. cap. 15. *Curia portmоторium est curia in civitate Cestria coram majore in aula Motorum tenenda.* Pl. in Itin. ibid. 14 H. 7.

**Portmannimote**, The *Portmote*, or *Portmens Court*, held not only in a Port or Haven Town, as the Word *Portmote* is ignorantly rendered, but in any City, Town, or Community.

— *Samson Dei gratia Alb. S. Edmundi, &c. facta est compositio inter nos & Burgenses de villa S. Edmundi — ad Portmannimot ante Festum S. Petri ad*



*ad vinula*—— Ex Cartular S. Edmundi. MS. Et Portimotus teneatur in eodem Burgo de Knots (Com. Cestrie)——*Charta Willielmi Dom. de T. Burgenfibus de Knotsford.*

**Portoos.** See *Portus*.

**Portsale,** Anno 35 H. 8. cap. 7. Is the Sale of Fish, as soon as it is brought into the Haven.

**Portsmouth.** See *Magnus Portus*.

**Portokne,** The Soke or Liberties of any Port; i. e. City, or Town. King Henry 3. by Charter dated 16 Mart. Anno Regni 11. grants to the Citizens of London,—— *Quietantiam murdri infra urbem & in Portokne, i. e. within the Walls of the City, and the Liberties without the Walls. Placit. temp. Edw. 1. & 21. MS. fol. 143. penes Dom. Fountaine.*

**Portfoka,** The Suburbs of a City, or any Place within its Jurisdiction; from the Saxon Port, which is *Civitas*, and *Soca*, *Jurisdiclio*. *Concessi quod nullus de Civitate vel Portfoka sua captus, &c.* Somner's Gavelkind, pag. 135.

**Portuas,** (Anno 3 & 4 Ed. 6. cap. 10.) Is reckoned amongst Books prohibited by that Statute, perhaps it may be the same which Chaucer calls a *Porthole*, and which is elsewhere written *Porteos* & *Portoos*. It is the Book we now call a *Breviary*, for thus Chaucer:

*For on my Porthole I make an Oath.*

See Sir Lewis Clifford's Will, verbo Will: And see Skene, verbo *Porteous*.

**Posse** Is an infinitive Mood, but used substantively to signify a Possibility, as we say, such a Thing is in *posse*, that is, such a Thing may possibly be; but of a Thing in Being, we say it is in *Esse*.

**Posse Comitatus.** See *Power of the County*.

**Possession, Possessio,** Is two-fold, actual and in Law: Actual Possession is, when a Man actually enters into Lands and Tenements to him descended. Possession in Law is, when Lands or Tenements are descended to a Man, and he hath not as yet actually entred into them. *Staundf. Pl. Cor. fol. 198.* As for Example, Before or until an Office be found of Lands escheated by an Attainder, the King hath only a Possession in Law, and not in Deed. *Staundf. Prærog. fol. 54, 55.* There is also a Unity of Possession, which the *Civilians* call *Consolidationem*. See an Example of this in *Kitchin*, fol. 124. If the Lord purchase the Tenancy held by Heriot-service, then the Heriot is extinct by Unity of Possession, that is, because the Seigniori and the Tenancy be now in one Man's Possession. Many other Divisions of Possessions you may read in *Bracton*, lib. 2. cap. 17. per totum.

**Possibilitas** Is taken for an Act wilfully done, and impossibilitas for a Thing done against our Will. *Si autem oculus asnasset reddat veram ejus, & possibilitatis accusetur in eo facto, where factum possibilitatis is a wilful Act. Leg. Alfred. cap. 38.* So in the Laws of Canutus, cap. 66. *Et si quis agat impossibiliter, non est omnino simile si voluntarie faciat.* Leg. Sax. Ed. Senior. cap. 88.

**Post.** See *Per*.

**Posta,** In French *Poste*, a swift or speedy Messenger, *Sic dictus* (saith Spelman) *quasi posita, quod in via publica ponitur ad stationem debitam de urrendum.*

**Post Conquistam** Was first inserted in the King's Title by Edward the First, but not con-

stantly used till Edward the Third's Time. *Claus. 1. Edw. 3. in Dorso. M. 33.*

**Post Diem** Is a Fee by Way of Penalty upon a Sheriff for his Neglect in returning a Writ after the Day assigned for its Return; for which the *Custos Brevirum* hath Four Pence, whereas he hath nothing, if it be returned at the Day: Sometimes taken for the Fee it self.

**Post Disseisin, Post Disseisina,** Is a Writ given by the Stat. of *Westm. 2. cap. 26.* and lies for him that having recovered Lands or Tenements by *Præcipe quod reddat*, upon Default or Reddition, is again disseised by the former Disseisor. *F. N. B. fol. 190.* See the Writ that lies for this in the Register, fol. 208.

**Postea** Is the Return of the Proceedings by *Nisi prius* into the Court of Common Pleas after a Verdict, and there afterwards recorded. See *Plowden*, fol. 211. *Saunders's Case.* See also an Example of it in *Coke's Reports*, vol. 6. fol. 41, 42. See *Custos brevium*.

**Postena, for Postilena;** i. e. A Crupper of a Saddle.

**Posteriority, Posterioritas,** The Coming after or being behind, is a Word of Comparison, and Relation in Tenure, the Correlative whereof is Priority; for a Man holding Lands or Tenements of Two Lords, holdeth of his ancienter Lord by Priority, and of his later Lord by Posteriority. *Staundf. Prærog. fol. 10, 11.* When one Tenant holdeth of Two Lords, of the one by Priority, of the other by Posteriority, &c. *Old Nat. Brev. fol. 94. Co. 2 Inst. fol. 392.*

**Postern, Or Back-door:** 'Tis mentioned in *Fleta*, lib. 2. cap. 73. par. 21. *Potestas habere Posternas in omni curia penitus inhibeatur; sed unicus sit ingressus, &c.*

**Post-fine** Is a Duty belonging to the King, for a Fine formerly acknowledged before him in his Court, which is paid by the Cognisee, after the same is fully passed, and all Things performed touching the same; the Rate thereof is so much, and half so much as was paid to the King for the Fine, and is collected by the Sheriff of the County, where the Land, &c. lies, whereof the Fine was levied; to be answered by him into the Exchequer. 22 & 23 Car. 2. An Act for better Recovery of Fines and Forfeitures, &c.

**Postillæ and Postillare,** Marginal Notes, or to make Annotations on a Book. *Trivet* in his Chronicle, speaking of Stephen Langton, Archbishop of Canterbury, tells us, that *super Bibliam postillas fecit, & eam per capitula quibus nunc utuntur moderni distinxit;* and that *Alexander, Bishop of Chester, super psalterium Postillas scripsit;* and *Knighon*, another of our Historians, writing of one *Hugh*, a Dominican and Cardinal, tells us, that *Totam Bibliam postillavit.*

**Postnati.** In the Seventh Year of King James, after many Arguments and long Debates, it was by all the Judges resolved, that such as were born in Scotland after the Descent of the Crown of England to King James, were no Aliens in England: But the *Antenati*, that is, such as were born before that Descent, were Aliens in Regard of the Time of their Birth. *Co. 7 Reports, Calvin's Case.*

**Postnatus** Is a Word often mentioned in *Bracton*, *Glarville*, *Fleta*, and other Law-writers, and it signifies the second Son. So in *Brompton*, lib. 2. cap. 35. *Est consuetudo in quibusdam partibus quod postnatus præfertur primogenito.*

**Post**

**Post-Poned**, (*Post-Pone*) Set or put after another. 22 & 23 Car. 2. *Subsidy Act*.

**Post-term**, *Post terminum*, Is a Return of a Writ, not only after the Day assigned for the Return thereof, but after the Term also, for which the *Custos breviarum* takes the Fee of Twenty-pence: Sometimes also it is taken for the Fee it self.

**Postulatio**, A *Postulation* made upon the unanimous Voting any Person to a Dignity or Office, of which he is not capable by the ordinary Canons or Statutes, without special Dispensation. So a Chapter *postulated* a Bishop actually possessed of another Sec. And the Religious *postulated* a Prelate to be taken from another Convent, from which he could not pass by the ordinary Rules of the Society. By the old Customs, an Election could be made by a Majority of Votes, but a *Postulation* must have been *Nemine contradicente*.

**Pot**, A Head-piece for War. 13 Car. 2. cap. 6.

**Pot-Ashes**, Are made of the best Ashes. Anno 12 Car. 2. cap. 4. and are used in making of Soap; some are made in England, but the Best are brought from beyond Sea.

**Potionatus**, Poisoned, *Vita MS. Vulgi* 3. *Abbatis S. Albani*.— *Pesca in brevi migravit ab incolatu hujus mundi, ut dicitur potionatus, cum odio conventus & maledictione*.

**Pound**, *Parvus*, Signifies a Place of Strength to keep Cattel in that are distrained, and put there for any Trespas done, until they be relieved or redeemed; and this is called a *Pound Overt*, or open *Pound*, and because it is built upon the Lord's Waste, the Lord's *Pound*. See *Kitchin*, fol. 144. It is divided into open and close: An open or overt *Pound*, is not only the Lord's *Pound*, but a Back-side, Court-Yard, Pasture-Ground, or whatever Place else, whither the Owner of the Beasts impounded may come to give them Meat and Drink, without Offence, for their being there, or his coming hither. A close *Pound* is contrary, whither the Owner cannot come for the Purposes aforesaid, without Offence; as some House, Castle, Fortrefs, or such like Place.

**Poundage** Is a Subsidy to the Value of Twelvepence in the *Pound*, granted to the King, of all Manner of Merchandise of every Merchant, as well Denizen as Alien, either exported or imported; and of such Subsidies see the Statutes 1 & 2 Edw. 6. cap. 13. and 1 Jac. cap. 33. 12 Car. 2. cap. 4. and 14 Car. 2. cap. 24.

**Poundagium**, The Liberty of pounding Cattel.— *In amerciamenis transgressionum, separati- onibus fossatorum, & poundagiis animalium, possessionem continuavit*. Hist. Croyland. contin. pag. 519.

**Pound-breach**. See *Poundbrech*.

**Pound in Money**: From the Saxon *Pund*, i. e. *Pondus*: It consisted in those Days of 240 Pence, as it doth now, but a Penny then was equal in Weight to almost Five Pence now, and afterwards to Three Pence; and 240 of those Pence weighed a *Pound*, but 720 scarce weigh so much now; this appears by the Silver Penny coined in the Reign of King *Ethelred*. *Lambard*, 219.

**Pouraller**. See *Purlieu*.

**Pour fair proclamer**, que null insect fines ou ordures en fosses, ou rivières mes Citves, &c. Is a Writ directed to the Mayor, Sheriff or Bailiff, of a City or Town, commanding them to pro-

claim, that none cast Filth into the Ditches or Places near adjoining, and if any is cast already, to remove it. This is founded upon the Statute, 12 R. 2. 13. F. N. B. fol. 176.

**Pourpart**, *Propars*, *Propartis*, *Propartia*, Is contrary to *pro indiviso*: For to make *Pourpart*, is to divide and sever the Lands that fall to Parceners, which before Partition they hold jointly, and *pro indiviso*. *Old Nat. Brev.* fol. 11.

**Pourpresture**, *Pourprestura*, From the French *Pourpris*, *conseptum*, an Inclosure: It is thus defined by *Glanville*, lib. 9. cap. 11. *Pourprestura est proprie quando aliquid super Dominum Regem injuste occupatur; ut in Dominicis Regis, vel in viis publicis obstruitis, vel in aquis publicis transversis a recto cursu, vel quando aliquis in civitate super Regiam plateam aliquid edificando occupaverit, & generaliter quoties aliquid fit ad nocumentum Regii tenementi vel Regie vie vel civitatis*. *Crompton* in his *Jurisd.* fol. 152. defines it thus, *Pourpresture* is properly when a Man taketh unto himself, or incroacheth any Thing that he ought not, whether it be in any Jurisdiction, Land or Franchise; and generally when any Thing is done to the Nufance of the King's Tenants. See *Kitchin*, fol. 10. and *Mandwood's Forest Laws*, cap. 10. *Skene de verbor. signif.* verbo *Purpresture*, makes three Sorts of this Offence, one against the King, a second against the Lord of the Fee, the Third against a Neighbour by a Neighbour. See *Co. 2 Inst.* fol. 38 & 272. *Et Lib. nigr. in Scacc.* fol. 37 & 38. That against the King happens by the Negligence of the Sheriff or Deputy, or by the long Continuance of Wars, inasmuch as those who have Lands near the Crown-lands, take or enclose Part of it, and lay it to their own.

*Pourpresture* against the Lord is when the Tenant neglects to perform what he is bound to do for the chief Lord, or in any wise deprives him of his Right.

*Pourpresture* against a Neighbour is of the same Nature: 'Tis mentioned in the *Monast.* 1 Tom. pag. 843. and in *Thorn*, pag. 2623. *Et de purprestura quam Bercarius Abbas purprebendit super pradic- tum Heliam*.

**Pour seisir terres la femme que tient en Dowry**, &c. Was a Writ whereby the King seised upon the Land which the Wife of his Tenant that held *in capite*, deceased, had for her Dowry, if she married without his Leave; and was grounded upon the Statute of the King's Prerogative. Cap. 3. See F. N. B. fol. 174.

**Poursuivant**, From the French *Poursuivre*, i. e. *persequi*, signifies the King's Messenger attending upon him in his Wars, or at the Council-Table, Exchequer, in his Court, or his Chamber, to be sent upon any Occasion or Message; as for the Apprehending of a Person accused, or suspected of any Offence: Those that be used in martial Causes are called *Pursuivants at Arms*, 24 H. 8. 13. whereof there be Four of special Names, which see in the Word *Herald*. And *Stow* speaking of *Richard the Third's Death*, pag. 784. hath these Words, *His Body was naked to the Skin, not so much as one Clout about him, and was trussed behind a Pursuivant at Arms like a Hog, or a Calf*, &c. The Rest are used upon other Messages in Time of Peace, and especially in Matters touching Jurisdiction. See *Herald*. *Nicholas Upton*, in his Book *De militari officio*, viz. Lib. 1. cap. 11. mentions the ancient Form of making these *Pursuivants*, and tells us, that they were called *Milites linguaves*, because

because their chief Honour was in *Custodia lingue*, and he divides them into *Cursores equitantes*, and *Prosecutores*, which is likewise comprehended in these Verses.

*Cinctorio scutum dicas deferre pedum,  
Sic equitis dignum fert scapula dextera signum.  
Sed humero laevo detulit prosecutor ab ovo,  
Ac Heraldorum stat pectore fons titulorum.*

**Pourveyance** Is the providing Corn, Fuel, Viſual, and other Neceſſaries for the King's Houſe. By 12 Car. 2. cap. 24. it is provided, That no Perſon or Perſons, by any Warrant, Commiſſion or Authority, under the Great Seal, or otherwiſe, by Colour of buying or making Proviſion or Purveyance for his Maſteſty, or any Queen of England for the Time being, or that ſhall be, or for his, their, or any of their Houſhold, ſhall take any Timber, Fuel, Cattel, Corn, Grain, Malt, Hay, Straw, Viſual, Cart, Carriage, or other Thing whatſoever of any the Subjects of his Maſteſty, his Heirs or Succeſſors, without the full and free Conſent of the Owner or Owners thereof, had or obtained without Menace or Enforcement, &c. See the Antiquity of Pre-emption and Purveyance, &c. and 3 Inſt. fol. 82.

**Pourveyor**, Provifoꝛ, Derived from the French *Purvoir*, i. *providere*, ſignifies an Officer of the King or Queen, or other great Perſonage, that provideth Corn and other Viſual for their Houſe. See *Mag. Charta*, cap. 22. and 3 Ed. 1. cap. 7. & 31. & anno 28. *ejusdem*, *Articuli ſuper Chartas*, 2. and other Statutes. The Name of *Purveyor* was ſo odious in Times paſt, that by Statute 36 Edw. 3. 2. the heinous Name of *Purveyor* was changed into *Buyer*; but the Office is reſtrained by Stat. 12. Car. 2. c. 24. See *Purveyance* and *Achat*.

**Powchias**, A Pouch, a Poke, a Sheath, a Scab bard.—*Etiam ex tranſverſo ventris ſub umbilico habentes cultellos, quos daggerioi vulgariter vocant, in Powchiis deſuper impoſitis.* Will. Thorn ſub anno 1248.

**Power of the County**, *Poſſe Comitatus*, In the Opinion of Lambard in his *Eirenarcha*, lib. 3. cap. 1. fol. 309. containeth the Aid and Attendance of all Knights, Gentlemen, Yeomen, Labourers, Servants, Apprentices, and all others, above the Age of Fifteen Years within the County, becauſe all of that Age are bound to have Harnes by the Statute of *Wincheſter*; But Women, Eccleſiaſtical Perſons, and ſuch as are decrepit, or labour of any Infirmity, ſhall not be compelled to attend. And the Statute of 2 H. 5. cap. 8. ſays, that Perſons able to travel, ſhall be aſſiſtant in this Service, which is uſed where a Poſſeſſion is kept upon a Forceible Entry, or any Force, or Reſcue uſed, contrary to the Command of the King's Writ, or in Oppoſition to the Execution of Juſtice.

**Powledavis**. See *Poledavis*, 1 Fac. 24.

**Pownings Law** Is an Act of Parliament made in Ireland by Hen. 7. and ſo called, becauſe Sir Edward Pownings was Lieutenant there when it was made, whereby all the Statutes in England were made of Force in Ireland, which before that Time were not, neither are any now in Force there which were made in England ſince that Time. See Coke's 12 Rep. fol. 190. *Hil.* 10 Fac.

**Præceptoria**. See *Commandry*.

**Præceptories** (*Præceptoria*, Anno 32 Hen. 8. cap. 24.) Were Benefices in a Kind, and ſo termed, becauſe they were poſſeſſed by the more eminent Sort of the *Templers*, whom the chief Maſter by his Authority created and called *Præceptores Templi*. Stephens de *Juriſd.* lib. 4. cap. 10. num. 27. Others ſay, they were here in England as Cells only, ſubordinate to their principal Maſon, the Temple in London. Of theſe *Præceptories*, I find Sixteen recorded, as anciently belonging to the *Templers* in England, viz. *Creſſing-Temple*, *Balſhal*, *Shengay*, *Newland*, *Yeveley*, *Witham*, *Temple-bruere*, *Willington*, *Rotheley*, *Ovenington*, *Temple-Combe*, *Trebigh*, *Ribſtane*, *Mount S. John*, *Temple-Newſum*, and *Temple-hurſt*. Mon. Angl. 2 par. fol. 543. But there were more.

**Præcipe in Capite**, (*Magna Charta*, cap. 24.) Was a Writ iſſuing out of the Court of Chancery, for a Tenant holding of the King in Chief, as of his Crown, and not of the King, as of any Honour, Cattle or Manor. Regiſt. of Writ, fol. 4. b.

**Præcipe quod reddat** Is a Writ of great Diverſity, both in its Form and Uſe, for which ſee *Ingreſſus* and *Entry*. This Form is extended as well to a Writ of Right, as to other Writs of Entry or Poſſeſſion. Old Nat. Brev. fol. 13. And Fitz. Nat. Brev. fol. 5. And it is ſometimes called *A Writ of Right Cloſe*, when it iſſues out of the Court of Chancery Cloſe; ſometimes *A Writ of Right Patent*, as when it iſſues out of the Chancery Patent and open, to any Lord's Court, for any of his Tenants deſorced againſt the Deſorcer, and muſt be determined there. Of which read more at large in Fitz. Nat. Brev. cap. 1.

**Præcipitaria**, i. e. A battering Ram: 'Tis mentioned in *Mat. Paris*, pag. 396. viz. *Muros & caſtra Civitatis margonellis, petrariis & Præcipitariis undique erectis*, &c.

**Præcipitium** Was a Punishment by caſting a Man from ſome high Place or Rock. *Malms. lib. 5* pag. 155.

**Præſatus Cuius** Is the ſame as *Præpoſitus Villa*. i. e. the Mayor of a Town. In Leg. Edw. Confeſſor. cap. 28.

**Præfine** (22 & 23 Car. 2. Stat. for laying Impoſitions on Proceedings at Law.) Is that Fine which is paid upon ſuing out the Writ of Covenant. Vide 2 Inſt. See *Poſſfine*.

**Præſtor**, In *Mat. Paris*, pag. 392. the Attorney General is called *Prolocutor Domini Regis*.

**Præmunire** Is taken either for a Writ ſo called, or for the Offence whereupon the Writ is granted; the one may be underſtood by the other. Heretofore the Church of Rome, under Pretence of her Supremacy, and the Dignity of St. Peter's Chair, took upon her to beſtow moſt of the Biſhopricks, Abbathies, and other Eccleſiaſtical Livings of Worth here in England, by Mandates, before they were void; pretending therein a great Care to ſee the Church provided of a Succeſſor before it needed. Whence it aroſe, that theſe Mandates or Bulls were called *Gratia Expectativa*, or *Proviſiones*, whereof you may read a learned Diſcourſe in *Duarenus, de Beneficiis*, lib. 3. cap. 1. Theſe Proviſions were ſo riſe with us, that at laſt, King Edward the Third not digeſting ſo intolerable an Encroachment, made a Statute in the Twenty-fifth Year of his Reign, Stat. 5. cap. 22. and another Stat. 6. cap. 1. and a Third, Anno 27. againſt thoſe that drew the

King's People out of the Realm, to answer Things belonging to the King's Court; and another Anno 28 Stat. 2. cap. 1, 2, 3 & 4. whereby he greatly restrained this Liberty of the Pope; who notwithstanding still adventured to continue the Provisions; inasmuch as King Richard the Second likewise made several Statutes against them, but most expressly that of 16 R. 2. 5. which appoints their Punishment to be thus, *That they should be out of the King's Protection, attached by their Bodies, and lose their Lands, Tenements, Goods and Chattels.* After him King Henry the Fourth in like Manner aggrieved at other Abuses, not fully met with in the former Statutes, in the Second Year of his Reign, cap. 3 & 4. adds certain new Cases, and lays upon the Offenders in them the same Punishment; whereto I refer you; as likewise to Anno 9. *ejusdem* cap. 8. and 3 Hen. 5. cap. 4. and Smith De Republ. Angl. lib. 3. cap. 9. Some later Statutes do cast this Punishment upon other Offenders, as namely that of 1 Eliz. cap. 1. upon him that denies the King's Supremacy the second time; and 13 Eliz. cap. 2. upon him that affirms the Authority of the Pope, or refuseth to take the Oath of Supremacy: And 13 Eliz. cap. 1. upon such as are seditious Talkers of the Inheritance of the Crown, or affirm the Queen to be an Heretic. And the Stat. 13 Car. 2. cap. 1. upon such as affirm the Parliament begun at Westminster 3 Nov. 1640. is not yet dissolved, or that there is any Obligation by any Oath, Covenant or Engagement whatsoever, to endeavour a Change of Government, either in Church, or State; or that both, or either House of Parliament have, or hath a legislative Power without the King. And the Word is applied most commonly to the Punishment first ordained by the Statutes before-mentioned, for such as transgressed them: For where it is said that any Man for an Offence committed, shall incur a *Premunire*, it is meant, that he shall incur the same Punishment as is affixed on those that transgress the Statute 16 Ri. 2. cap. 5. commonly called the Statute of *Premunire*, which Kind of Reference or Application is not unusual in our Statutes. As to the Etymology of the Word, it proceeds from the Verb *Premunere*, being barbarously turned into *Premunire*, To forewarn, or bid the Offender take heed. Of which a Reason may be gathered from the Words of the Statute, 27 Edw. 3. cap. 1. and the Form of the Writ, in Old Nat. Br. fol. 143. *Premunire facias prefatum prepositum, & J. R. procuratorem, &c. quod tunc sint coram nobis, &c.* Which Words can be referred to none but Parties charged with the Offence. See 3 Inst. fol. 110.

*Prepositus Ecclesie.* See Church-reeve.

*Prepositus Villæ* Is used sometimes for the Constable of a Town, or Petit-Constable. *Crompt. Jurisd.* fol. 205. Howbeit the same Author, fol. 194. seems to apply it otherwise; for there *Quatuor homines prepositi* are those Four Men, that for every Town must appear before the Justices of the Forest in their Circuit. It is sometimes used for an Head, or Chief Officer of the King in a Town, Manor, or Village, or a Reeve. See Reeve. *Animalia & res inventa coram ipso (Preposito) & Sacerdote ducenda erant.* LL. Edw. Conf. cap. 28. This *Prepositus Villæ* in our old Records does not answer to our present Constable, or Headborough of a Town; but was no more than the Reeve, or Bailiff of the Lord of the Manor, sometimes called *Serviens villa*. By the Laws of Hen. 1. the Lord answer'd for the Town where he was resident; where he was not, his Dapifer or Sene-

schal, if he were a Baron: But if neither of them could be present, then *Prepositus & quatuor de unaquaque villa, i. e.* The Reeve, and Four of the most substantial Inhabitants were summoned in. See Dr. Brady's Glossary to Introduction to Engl. Hist. p. 97.

*Præripium, i. e.* A high Bank. *Si quis alium fugiens præripio vel alio morietur.* Leg. H. 1. c. 88. Some read it *Præcipit, vel Præcipio.*

*Præsentare ad Ecclesiam* Originally denotes the Patron's sending or placing an Incumbent in the Church, and is made only for *representare*, which in the Council of Lateran, and elsewhere, occurs also for *presentare*. Selden of Titles, p. 390.

*Præsidere* Signifies to neglect, or omit: In Conc. Cloveshoe, Anno 746. cap. 3. *Ut singulis annis unusquisque Episcopus Parochiam suam pertransendo, &c. speculandoque visitare non præsideat, &c.*

*Præsidium, Warwick.*

*Præsumptio*, In Leg. H. 1. cap. 11. is taken for an unlawful Seizing any Thing, viz. *Assultus, roberia, sterbrech, præsumptio terre vel pecunia Regis, thesaurus inventus, &c.*

*Prætorium, Patrinton* in Yorkshire.

*Pratum falcabile*, A Meadow, or Ground fit for Mowing: *Juratores dicunt quod prædicta placea a tempore quo, &c. fuit pratum falcabile usque ad prædictum annum quod W. prædictus illud aravit.* Trin. 18 Ed. 1. in Banco Rot. 50.

*Prata terræ*, A certain Quantity or Measure of Ground. — *Sunt quinquaginta acra terra in Cernub. in Camwaret, qualibet acra de xx. pratis in longitudine, & io pratis in latitudine, & qualibet prata de xvi. pedibus in longitudine, quæ acra jacent, &c.* Fines Anno 8 Ric. 1.

*Pray* in *Id.* See *Aid.*

*Preamble, Proæmium*, Takes Name from the Preposition *præ*, before, and *ambulo*, to walk; as if we would say, To walk before: And hereof the Beginning of an Act is called *The Preamble*, which is as a Key to open the Intent of the Makers of the Act, and the Mischiefs which they would remedy by the same. As for Example, The Statute made at Westminster the First, chap. 37. which gives an Attaint: The *Preamble* is thus, Forasmuch as certain People doubt very little to give false Verdicts, or Oaths, which they ought not to do, whereby many People are disherited, and lose their Right. It is provided, &c.

*Prebend, Præbenda*, Is the Portion which every Member, or Canon of a Cathedral Church receiveth in the Right of his Place for his Maintenance: So *Canonica portio* is properly used for that Share which every Canon or *Prebendary* receiveth yearly out of the common Stock of the Church; and *Præbenda* is a several Benefice, rising from some Temporal Land, or Church appropriated, towards the Maintenance of a Clerk, or Member of a Collegiate Church, and is commonly surnamed of the Place whence the Profit groweth. And these *Prebends* be either *simple*, or *with Dignity*. *Simple Prebends* be those that have no more but the Revenue towards their Maintenance: *Prebends with Dignity* are such as have Jurisdiction annex'd to them according to the divers Orders in every several Church. Of this, see more in the *Decretals*, Tit. *De præbendis & dignitatibus*.

*Præbenda*, strictly taken, is that Maintenance which daily *præbetur* to another; but now it signifies the Rents and Profits belonging to the Church, divided into those Portions called *Præbenda*, and it differs from *Canonica*, which is a Right obtained in the Church, by being received into the Cathedral,



dral, or College: *Et per assignationem stallum in choro & locum in capitulo.* But *Præbenda* is a Right of receiving the Profits for the Duty performed in the Church, sufficient for the Support of the Person in that Divine Office where he resides; and it proceeds from *Canonica* as a Daughter from a Mother.

*Corpus Præbende* is that which is received by a Prebendary, over and above the Profits which are always for his daily Maintenance.

*Præbenda* and *Probenda* were also in old Deeds used for Provision, Provand, or Provender.—*Pro equo suo unum Buxel Avenarum pro Præbenda capienda.* Coucher Book in Dutchy-Office, Tom. 1. fol. 45. See *Corody.* *Ad præbendos equos suos & hospitum suorum.* Monastic. t Tom. 649.

*Præbendary* (*Præbendarius*) Is he that hath such a *Præbend*; so called, not a *præbendo auxilium & consilium* *Epis. opo*, but from receiving the *Præbend*.

The *Golden Prebendary of Hereford*, otherwise called *Præbendarius Episcopi*, Is one of the Twenty-eight minor *Prebendaries* there, who has *ex Officio* the first Canon's Place that falls, was antiently *Confessarius* of the Cathedral Church, and to the Bishop, and had the Altarages; whereby, in respect of the Gold and other rich Offerings formerly made there, he had the Name of *Golden Prebendary*.

*Præcatiz* Are Days-Works, which the Tenants of some Manors are bound, by Reason of their Tenure, to do for the Lord in Harvest; and in divers Places are vulgarly called *Bind-days* for *Widen-days*, which in the Saxon *Dies precarias sonat*: For *Widen* is To pray, or intreat. This Custom is plainly set forth in the great Book of the Customs of the Monastery of *Battell*, Tit. *Apelderham*, fol. 60. *Johannes Aylmer tenet per irrotulamentum Curie, unum Mess. & unam Virgatam terra, &c. & debet invenire unum hominem, &c. & etiam debet venire, quolibet anno ad duas precarias caruca cum caruca sua si habeat integram carucam, vel de parte quam habeat caruca quam habet, si carucam non habeat integram, & tunc arare debet utroque die quantum potest a mane usque ad meridiem, & uterque lentor, viz. Caruca & fugatorum habeant unum passum solemne utroque die prædicatorum præcariarum, &c. & debet invenire ad 3. precarias in Autumno 2. homines, &c.* See more in *Spelman's Glossary*, verbo *Precaria*. See *Bederepe*.

*Præcarium nomen*, A *Precarious Title* at Will and Pleasure of the Lord, — *Hanc terram teneo de permissione & sola gratia Walteri Crispin Camerarii Glastonie quamdiu sua sederis voluntati nomine precario & nullo juris titulo.* Chartular. Glaston. MS. fol. 122. b.

*Præce partium* Is when a Suit is continued by the Prayer, Assent, or Agreement of both Parties. Anno 13 E. 1. cap. 27.

*Præcept*, *Præceptum*, Is diversly taken in Law, as sometime for a Commandment in Writing, sent out by a Justice of Peace, or other like Officer, for the bringing of a Person or Records before him; of which you have divers Examples in the Table of the *Register Judicial*. And in this Sense it seems to be borrowed from the Customs of Lombardy, where *præceptum* significeth *scripturam vel instrumentum*. Hotom. in verb. *Feudal*, & lib. 3. *Commentar. in libros feudor. in præfatione*. Sometimes it is taken for the Provocation, whereby one Man incites another to commit a Felony, as Theft, Murder, &c. *Staundf. pl. cor. fol. 105.* *Bracton*, lib. 3. tract. 2. cap. 9. calls it *Præceptum*, or *Mandatum*. Whence we may observe Three Diversities of offending in Murder,

*Præceptum*, *Fortia*, *Consilium*; *Præceptum* being the Instigation used beforehand; *Fortia* the Assistance in the Fact, as to help to bind the Party murdered, or robbed; *Consilium*, Advice either before, or in the Fact. The *Civilians* use *Mandatum* in this Case.

*Preces* Has antiently been used in the same Sense with *Precaria* — *Walterus de Haincourt universis, &c. excepto quod singulis annis pro eadem terra quinque solidos mihi dabunt, similiter & tres preces de una caruca, & tres preces in autumno; viz. prima cum uno homine, secunda cum duobus hominibus, tertio vero die cum tot hominibus, quot in eadem terra cotidie metentes inventi fuerint, &c.* Reg. Abbathiz de Welboe, pag. 107. See *Precaria*.

*Præcontract*, 2 & 3 Ed. 6. cap. 23. Is a *Contract* made before another *Contract*, but hath Relation especially to Marriages.

*Prædial Tithes*, *Decima Prædiales*, Are those which are paid of Things arising and growing from the Ground only, as Corn, Hay, Fruit of Trees, and such like. 2 E. 6. 13. See *Co. Inst.* fol. 649. See *Tithes*.

*Præemption*, *Præemptio*, Was a Privilege allowed the King's Purveyor, to have the first Buying of Corn, and other Provision, before others, for the King's House, which is taken off by a late Statute, made 12 Car. 2. cap. 24.

*Prælate*, *Prelatus*, We usually interpret to be an Archbishop, or Bishop: But *Spelman* in his Glossary says, *Prelati Ecclesie vocantur nedum superiores ut Episcopi, sed etiam inferiores, ut Archidiaconi, Presbyteri, Plebani & Rectores Ecclesiarum; sic enim in Bulla Privileg. apud Mat. Par. in Hen. 3. sub anno 1246. Innocentius, &c. universis tam Cathedralium quam aliorum Prælati, nec non Patronis Ecclesiarum clericis & laicis per Regnum Anglia constitutis, Salutem. &c.* pag. 476.

*Præmisses*. See *Habendum*.

*Præmium*, *Premium*, A Reward: Amongst Merchants it is used for that Sum of Money which the Ensured gives the Ensurer for ensuring the safe Return of any Ship or Merchandise. Anno 19 Car. 2. cap. 1.

*Prænder* Is the Power or Right of taking a Thing before it is offered; from the French *prendre*, i. e. *accipere*: It lies in *Render*, but not in *Prænder*. *Co. Rep. 1 par.* Sir John Peter's Case.

*Prænder de Bazon* Signifies literally to take a Husband; but it is used as an Exception, to disenable a Woman from pursuing an Appeal of Murder against the Killer of her former Husband. *Staundf. pl. cor. lib. 3. cap. 59.*

*Præpensed*, *Præpensus*, Fore-thought; as Malice *præpensed*, *Malitia præcogitata*, when a Man is slain upon a sudden Quarrel; yet if there were Malice *præpensed* formerly between them, it makes it Murder; or, as it is called in the Statute 12 H. 7. c. 7. *Præpensed Murder*. See *Murder*, and 3 *Inst.* f. 51.

*Præpositus Ecclesie*. See *Church-Reeve*.

*Prærogative Court*, *Curia prærogativa Archiepiscopi Cantuariensis*, Is the Court wherein all Wills be proved, and all Administrations taken that belong to the Archbishop by his *Prærogative*; that is, In Case where the Deceased had Goods of any considerable Value out of the Diocese, wherein he died; and that Value is ordinarily 5 li. except it be otherwise by Composition between the said Archbishop, and some other Bishop, as in the Diocese of London it is Ten Pounds: And if any Contention grow between Two, or more, touching any such Will or Administration, the Cause is properly debated and decided in this Court.

The Judge whereof is termed *Judex Curie Prærogativæ Cantuariensis*, the Judge of the Prærogative Court of Canterbury. The Archbishop of York hath also the like Court, which is termed *His Exchequer*, but far inferior to this in Power and Profit. 4 *Inst.* fol. 335.

*Prærogative* of the Bishop of Canterbury, or *Book, Prærogativa Archiepiscopi Cantuariensis sive Eboracensis*, Is an especial Pre-eminence that these Sees have in certain Cases above ordinary Bishops within their Province, of which whoever desires to receive more full Information, may read the Book intituled *De Antiquitate Britannicæ Ecclesiæ, & nominatim de Privilegiis Ecclesiæ Cantuariensis historica*, and especially in the eighth Chapter of that Book, pag. 25.

*Prærogative* of the King, *Prærogativa Regis*, Derived from *præ*, ante, and *rogare*, to ask, or demand; is that special Power, Pre-eminence, or Privilege, which the King hath over and above other Persons, and above the ordinary Course of the Common Law, in the Right of his Crown. *Potest Rex ei, lege sue dignitatis condonare, si velit, etiam mortem promeritam.* Leg. Edw. Conf. cap. 18. And the *Civilians* use this Word *Prærogative* in the same Sense: Among the *Feudists* it is termed, *Fus Regalium, Fus Regaliorum; vel a nonnullis Fus Regaliarum.* And as the *Feudists*, *Sub Jure Regalium*; so our Lawyers, *Sub Prærogativa Regis*, do comprise all that absolute Height of Power that the *Civilians* call *Majestatem, vel Potestatem, vel Fus Imperii*, subject only to God. Which *Regalia* the *Feudists* divide into Two Sorts, *Majora & minora Regalia*: For to use their own Words, *Quædam Regalia dignitatem, prærogativam & Imperii præ-eminentiam spectant; quædam vero ad utilitatem & commodum pecuniarium immediate attinent, & hæc proprie fiscalia sunt, & ad jus fisci pertinent.* *Peregr. de Jure Fisci*, lib. 1. cap. 1. num. 9. See also *Arnoldus Chapmanus, De Arcanis Imperii*, l. 1. c. 11. By which it appears, That the Statute of the King's *Prærogative*, made 17 E. 2. contains not the King's whole *Prærogative*, but only so much thereof as concerns the Profit of his Coffers, growing by Virtue of his Regal Power and Crown; for it is more than manifest, That his *Prærogative* extends much further, yea even in the Matters of his Profit, which that Statute especially consisteth of: For the King hath many Rights of Majesty peculiar to himself, which the Learned in the Law term *Sacra sacrorum*, that is, Sacred, and *individua*, inseparable, because they cannot be severed, which are many and various: And if you would satisfy your self therein, read *Staundf. Prærog. the Stat. Prærogativa Regis*, 17 E. 2. *Flouiden* in the Case of *Mines*, F. N. B. f. 31. 31 H. 8. cap. 13. Co. lib. 10. tit. 1. The learned *Spelman* calls it *Lex Regie dignitatis*.

*Presbyter*, A Priest. *Isidore*, lib. 7. orig. c. 12. tells us, That *Presbyter*, *græce*, latine *Senior interpretatur*, non pro ætate, vel decrepita senectute, sed propter honorem & dignitatem quam acceperunt, *Presbyteri nominantur*; unde & apud *Veteres* iidem *Episcopi & Presbyteri fuerunt*.

*Presbyteratus* *Jurædictum* totius Angliæ Was a Temporal Office in H. 3. Time, being the *Custos Rotulorum*, or *Controller*ship of the *Exchequer*, for the *Jews*. *Scaccarii Judæismi nostri.* Claus. 27 H. 3. pars 13. M. 3.

*Presbyterium*, The *Presbytery*; i. e. The Quire or Chancel so called, because it was the Place appropriated to the Bishop and Priests, and other Clergy; while the Laity were confined to the Nave, or Body of the Church. — *Cruce se subito*

*evellens, cum ad medium Presbyterii venisset, versus altare se vertens, retro ad terram cecidit* — capite versus introitum Presbyterii, & pedibus ad altare porrectis. *Girald. Cambrensis. apud Whartoni Angl. Sac. P. 2. pag. 428.* *Presbyterium* is that Part of the Church where Divine Offices are performed. *Virgini Mariæ orientale altaris Presbyterium dedicans.* *Monasticon*, 1 Tom. pag. 243. *Continebat hic murus monachorum chorum, Presbyterium altare, magnum.* *Gervas. Dorob. De Combustione Ecclesiæ Dorobern.*

*Prescription, Præscriptio*, Is a Title, taking its Substance of Use, and Time allowed by the Law, which is beyond the Memory of Man. *Kitchin, fol. 104.* saith thus, *Prescription* is, when for Continuance of Time, *ultra memoriam hominis*, a particular Person hath particular Right against another particular Person; with whom agrees *Co. lib. 4. fol. 32.* and *Co. on Lit. fol. 140.* But as in the *Civil Law*, so likewise in the *Common*: *Prescription* may be in a shorter Time, at least in some special Cases: As for Example, Where the Statute 1 H. 8. cap. 9. saith, That all Actions popular must be sued within Three Years after the Offence committed: And the Stat. 7 H. 8. 3. That Four Years being past after the Offence committed in one Case, and one Year in another, no Suit can be commenced. And the Stat. 31 Eliz. cap. 5. saith, That all Actions, &c. brought upon Statute, the Penalty whereof belongs to the King, shall be brought within Two Years after the Offence committed, or else be void. And the Stat. 39 Eliz. cap. 1. 2. saith, That Actions brought after Two Years by any common Person, or after Three Years by the King alone, for Decay of Husbandry, shall be of no Force: Whosoever offendeth against any such Statute, and escapes unquestion'd for Two Years, or Three, of the Two later of the Three forementioned Statutes, may justly be said to have prescribed against that Action. The like may be said of the Statute made 23 El. cap. 1. which saith, That all Offences comprised in that Statute, made in the Thirteenth Year of *Eliz. cap. 2.* are inquirable before both *Justices of Peace* and *Assize* within a Year and a Day after the Offence committed: Also the Title that a Man attaineth by the Passing of Five Years, after a Fine acknowledged of any Lands or Tenements, may justly be said to be obtained by *Prescription*: And whereas the Statute made 8 R. 2. cap. 4. saith, That a Judge, or Clerk, convicted for false Entering of Pleas, may be fined within Two Years; the Two Years being past, he prescribeth against the Punishment of the said Statute: And whereas the Statute 11 H. 7. says, That he which will complain of Maintenance or Embracery, whereby Perjury is committed by a Jury, must do it within Six Days, those Six Days ended, the Parties prescribe; and divers other Statutes have the like Limitation of Time, whence may arise a like *Prescription*. See *Action perpetual* and *temporal*. See *Lam. Eiren.* lib. 4. cap. 5. pag. 469. *Crompt. Just. of Peace*, fol. 173. Of this *Prescription*, and the Learning touching the same, see *Co. Rep. 4. Lutterell's Case*, fol. 84. *Præscriptio est jus quoddam, ex tempore congruens, auctoritate legum vim capiens, pœnam negligentibus inferens, & finem litibus imponens* — *Quadragesimalis præscriptio omnem profusus actionem excludat.* *Reform. Leg. Eccles.* pag. 246. See 2 *Inst.* fol. 653. *Staundf. Prærog. cap. 8.* and *Co. 7 Rep. Baskerville's Case*.

*Presentation, Presentatio*, Is used properly for the Act of a Patron, offering his Clerk to the Bishop,

shop, to be instituted in a Benefice of his Gift; the Form whereof see in *Reg. Orig. fol. 322.* And

**Presentee** Is the Clerk that is so presented by the Patron. In the Stat. 13 R. 2. cap. 1. Mention is made of the King's Presentee, that is, He whom the King presents to a Church.

**Presentia, Presents**, so called, because they are given presently. And they differ from *Munera*; for those are Gifts sent to the Person. *Mat. Paris. Anno 1170. Cui cum Abbas St. Albani in esculentis & poculentis nobile misisset xenium, regratians Episcopus dixit, Accipio ejus presentias.*

**Presentment** Is a meek Denunciation of the Furies themselves, or some other Officer, as *Jurisco, Constable, Searcher, Surveyor, &c.* (without any Information) of an Offence inquirable in the Court whereunto it is presented. *Lamb. Eiren. lib. 4. pag. 467.*

**President, Praeses**, In a legal Sense denotes the King's Lieutenant in a Province, or Function; as the *President of Wales, York, Berwick, or of the King's Council.* 22 H. 8. cap. 8. and 24 H. 8. 3, 14. *President of the Weavers of Kidderminster Stuffs.* 22 & 23 Car. 2. cap. 1.

**Prest** Is used for a Duty in Money, to be paid by the Sheriff, upon his Account in the *Exchequer*, or for Money left, or remaining in his Hands. 2 & 3 Ed. 6. cap. 4.

**Prestation-Money** (*Praestatio*, A paying or Performing) Is a Sum of Money paid by Archdeacons yearly to their Bishop *pro exteriore jurisdictione*—*Et sint quieti a praestatione Muragii.* Cart. H. 7. *Burgenf. Mount-Gomer. Praestatio* was also antiently used for *Purveyance*. See Mr. Philip's Book on that Subject, pag. 222. And see *Spiritualities*.

**Prest-Money** Is so called of the French Word *Prest*, that is, *promptus, expeditus*, for that it binds those that receive it, to be ready at all Times appointed, being meant commonly of Soldiers. 18 H. 6. 19. 7 H. 7. 1. 3 H. 8. 5. and 2 E. 6. 2.

**Presumption, Praesumptio**, Is of Three Sorts; 1. *Violent*, Which is many times a full Proof; as if one be killed in a House, and a Man is seen to come out of the House with a bloody Sword, and no other Person was at that Time in the House; this, tho' but *Presumption*, is as a Proof.

2. *Probable*, Which hath but a small Effect. 3. *Levis, seu temeraria*, Which is of no Prevalence at all: So in Case of a Charter or Feoffment, if all the Witnesses to the Deed be dead; the *violent Presumption*, which stands for a Proof, is continual and quiet Possession. *Co. on Lit. lib. 1. cap. 1. sect. 1. Praesumptio fiat in dubio*, it is doubted of, yet accounted *Veritatis Comes*; quatenus in contrarium nulla est probatio, ut regula se habet, stabitur praesumptio donec probetur in contrarium. *Presumption* was antiently taken for *Intrusion*—*Assultus, Roberia, Sterbrech, praesumptio terre vel pecunie Regis, Thesaurus inventus, &c.* Leg. Hen. 1. cap. 11. *De his quae sunt de jure Regis.*

**Presumed Right, or Title, Jus pratensum**, Is where one is in Possession of Lands or Tenements, and another who is out, claims it, and sues for it: Here the *presumed Right and Title* is said to be in him who doth so claim and sue.

**Pretium sepulchri** Are those Goods which accrue to the Church in which a Corps is buried. In the *Irish Canons, lib. 19. c. 6: Omne corpus sepultum habet in jure suo vaccam, & equum, & vestimentum, & ornamentum lecti sui, nec quidquam horum redditur in alia debita, quia corpori ejus tanquam vernacula debentur.* See *Heriot*, and *Sedatium*, and *Mortuary*.

**Prebaitate, Prevaricare**, Is when a Man falsely and deceitfully seems to undertake a Thing, *ca intentione*, that he may destroy it, *Dicitur prevaricator, quasi varicator, a varia certatione, quia adversam partem adjuvat prodita sua propria causa, dum huic inflat corpore ex una parte & illi mente & corde ex altera parte.* Vocabul. utriusque Juris, verbo *Prevaricatores*.

**Price**. See *Value*.

**Priced Bread**—*Molendinario septem panes de conventu, & septem panes de Priced Bread.* Monast. Angl. 1 par. fol. 498.

**Pride-gavel**, In the Lordship of *Rodeley*, in the County of *Gloucester*, is used and paid unto this Day, as a Rent to the Lord of the Manor by certain Tenants, in Duty and Acknowledgment to him, for their Liberty and Privilege of fishing in the River *Severn* for *Lamprays*; *Prid*, for *Brevity*, being the last Syllable of *Lamprid* (as they were antiently called) and *Gavel*, a Rent, or Tribute. *Taylor's History of Gavelkind, cap. 9. fol. 112, 113.*

**Pridie** Is sometimes joined to an Accusative, and sometimes to a Genitive Case, *Pridie Calendarum*, and *Pridie Calendarum*, is the Day before the *Calends*, that is, The last Day of every Month.

**Primage** Is a Duty due to the Mariners and Sailors, for the Loading of any Ship at the setting forth from any Haven, *Anno 32 H. 8. cap. 14.* which, in some Places, is a Penny in the Pound; in others Six Pence for every Pack, or Bale, or otherwise, according to the Custom of the Place.

**Primicerius**, The first of any Degree of Men; but sometimes it signifies the Nobility. *Primicerius totius Anglie* were the Nobility of England. *Mon. 1 Tom. pag. 838.*

**Primer seisin, Prima seifina**. The first Possession, or *Seisin* was heretofore used as a Branch of the *King's Privileges*, whereby he had the first Possession, that is, The intire Profits for a Year of all the Lands and Tenements, whereof his Tenant (that held of him in *Capite*) died *seised* in his Demesne as of Fee, his Heir then being at full Age, until he do his Homage, or if under Age, until he were of Age. *Staundf. Prerog. cap. 3. and Bracton, lib. 4. tract. 3. cap. 1.* But all the Charges arising by *Primer seifins* are taken away by the Statute made 12 Car. 2. cap. 24.

**Primitiæ, First-Fruits**, Are properly the first of our Increase offered to God; but in our Law, are the Profits after Avoidance of every spiritual Living for one Year. See 26 H. 8. cap. 5. 32 H. 8. cap. 45. 1 Mar. Sess. 2. cap. 10. and 1 Eliz. cap. 4. See *First Fruits*.

**Primitiare, i. e.** To begin. *Munificentiam tenera primitiavit aetate.* Petrus Blesensis, Epist. 20.

**Primna, i. e.** A Ship. *Ibi construnt classem, primna dant gentis, volant rostra ad Anglicas Partes.* Du Cange.

**Primo Beneficio**. See *Beneficio*.

**Primogeniture, Primogenitura**, The Title of an Elder Brother in Right of his Birth: The Reason of which, *Co. upon Lit. says*, is, *Quia prior est tempore, prior est jure*; affirming moreover, That in *King Alfred's Time*, *Knights Fees* descended to the Eldest Son; for that by the Division of such Fees between Males, the Defence of the Realm might be weakened. And Judge *Dodderidge* in his Treatise of Nobility saith, pag. 119. It was antiently ordained, That all *Knights Fees* should come unto the eldest Son by Succession of Heritage, whereby he succeeding his Ancestors in the whole Inheritance, might be the better enabled to maintain the Wars.



Wars against the King's Enemies, or his Lords And that the *Socage* should be partible among the Male Children, to enable them to increase into many Families, for the better Furtherance in and Increase of Husbandry.

**Prince**, *Princeps*, Is sometimes at large taken for the King himself, but more properly for the King's Eldest Son, who is *Prince of Wales*, as the Eldest Son to the French King is called *Dauphine*, both being born Princes. *Ferne's Glory of Generosity*, pag. 138. Before *Edward the Second*, who was born at *Carnarvon*, and the first English Prince of Wales, the King's Eldest Son was stiled *Lord Prince*. *Staundf. Prærog. cap. 22. fol. 75. See 27 H. 8. c. 26. and 28 H. 8. 3. And Stow's Annals, p. 303.* But *Prince* was a Name of Dignity long before that Time in England; for in a Charter of King *Offa*, after the Bishops had subscribed their Names, we read, *Brordanus patritius, Binnanus Princeps*; and afterwards the Dukes subscribed their Names. And in a Charter of King *Edgar*, in *Mon. Angl. Tom. 3. pag. 302. Ego Edgarus Rex rogatus ab Episcopo meo Deorwolfe, & Principe meo Aldredo, &c.* And in *Mat. Paris. pag. 155. Ego Halden Princeps Regis pro viribus assensum præbeo, & ego Turketillus Dux concedo.*

**Principal**, *Principalium*, A Heirloom; which see. It was also sometimes used for a Mortuary, or Corse-present—*Item lego equum meum vocatum le Bay-Gelding, ut offeratur ante corpus meum in die sepulture mee, nomine Principalii. Ult. volum. Johannis Marclefield. 9 Hen. 5.* In *Urebenfeld*, in the County of *Hereford*, certain *Principals*, as the best Beast, the best Bed, best Table, &c. pass to the Eldest Child, and are not liable to Partition. *Hæredes tenementorum infra Hundredam de Stretford post mortem antecessorum suorum habebunt Principalium Angl. an Heir-loom, videl. de quolibet genere catallorum, utensilium, &c. optimum plaustrum, optimam camicam, optimum cyphum, &c. Bridall Speculum Juris Anglicani, p. 90.* where it is falsely wrote *Principabium*, for *Principalium*. Also the chief Person in some of the Inns of Chancery is called *Principal* of the House. See *Ancient*.

**Principality** of Chester, Anno 21 Rich. 1. c. 9. See *County Palatine*, and *Crompton's Divers Jurisdictiones*, fol. 137.

**Prior** Was he who was first in Dignity next to the Abbot. *Servata in omnibus reverentia Abbati, Prior qui & præpositus in regula nominatur, honorabilior est reliquis ministris domus Dei, ipse solus ceterorum ministrorum primum sue partis locum habet in choro, in capitulo, in refectorio, &c.*

**Priority**, *Prioritas*, Signifies an Antiquity of Tenure, in Comparison of another not so antient; as *To hold by Priority*, is to hold of a Lord more antiently than of another. *Old Nat. Brev. fol. 94. So, To hold by Posteriority*, is used in *Staundf. Prærog. cap. 2. fol. 11. And Crompton in his Jurisd. fol. 117.* useth this Word in the same Signification. The Lord of the *Priority* shall have the Custody of the Body, &c. And fol. 120. If the Tenant hold by *Priority* of one, and by *Posteriority* of another, &c. To which Effect see also *F. N. B. fol. 142. Bartolus in his Tractate De insigniis & armis*, useth these Words, *Prioritas & posterioritas*, concerning Two that bear one Coat-Armor.

**Prior** perpetual, or *Datibe* and remobeable, Anno 9 Rich. 2. cap. 4. and 1 E. 4. cap. 1. Lord Prior of *St. John's of Jerusalem*, who was *primus Baro Anglie*. 26 H. 28. cap. 2.

**Prior** aliens, *Priores alieni*, Were Religious Men born in France, and Governors of Religious Houses, erected for outlandish Men here in Eng-

land, which were by King Henry the Fifth, after his Conquests in France, thought no good Members for this Land, and therefore suppressed; whose Livings afterwards were by King Henry the Sixth given to other Monasteries and Houses of Learning. *Stow's Annals, pag. 582. and 1 H. 5. c. 7.* but especially to the Erecting of those Two famous Colleges, called the one *King's College* in Cambridge, the other *Eaton*. 2 par. *Inst. fol. 584.*

**Prisage** Is that Custom or Share that belongs to the King, out of such Merchandize as are taken at Sea by way of lawful Prize. Anno 31 El. cap. 5. *Prisagium est jus prisas capiendi, vel ipse actus.*

**Prisage of Wines**. Anno 1 H. 8. cap. 5. Is a Word almost out of Use, being now called *Butlerage* (because the King's chief Butler receives it). It is a Custom whereby the Prince challengeth out of every Bark laden with Wine, containing less than Forty Tun, Two Tun of Wine; the one before, the other behind the Mast, at his own Price, which is Twenty Shillings a Tun; yet this varies according to the Custom of the Place: For at *Boston*, every Bark laden with Ten Tuns of Wine, or above, pays *Prisage*. See *Butlerage*, and *Calthrop's Reports*, f. 20. and 4 par. *Inst. f. 30.*

**Memorandum**, *Quod Rex habet ex antiqua consuetudine de qualibet Nave mercatoris vini 6. carcat. applican. infra aliquem portum Anglia, de viginti doliis, duo dolia, & de decem doliis unum de prisæ Regis pro quodam certo ab antiquo constitut. solvend. P. Rec. 20. R. 2.*

**Prise** *Prisa*, From the French *Prendre*, *capere*, signifies in our Statutes the Things taken of the King's Subjects by Purveyors, Anno 13 E. 1. cap. 7. and 28 E. 1. stat. 3. cap. 2. It signifies also a Custom due to the King, 25 E. 1. cap. 5. *Reg. Orig. f. 117.* In foraneis paginis antiquis (says the learned *Spelman*) *prisæ* plerumque intelliguntur de annona reique frumentarie captionibus, aliis etiam necessariis, ob alendam, instruendamque castrorum præsidia, necnon & regiam familiam minori quam justo pretio agricolis arreptis, &c. In *Rescripto* quodam, Anno 3 E. 1. *Norffil.*

—*Rogerus de Monte alto qui sororem & heredem Hugonis de Albeney, &c. desponsaverat, clamavit habere libertates has subscriptas, viz. Castellum suum de Risinge cum prisæ 40 dierum, &c. Ubi clausulam, cum prisæ 40 dierum, intelligo de libertate capiendi victualia que vocant ad sustentationem præsidarii militis castri sui, ita quod pretium reddat infra 40 dies.* See 12 Car. 2. cap. 24.

**Priso**, i. e. A Prisoner taken in War. *Hoveden, pag. 541. Prisones vero qui cum Domino Rege finem fecerunt ante factam pacem.*

**Prison**, *Prisona*, Is a Place of Restraint for the safe Custody of a Person to answer any Action personal or criminal: And here we are to note, That this *salva custodia* must only be *custodia*, non *pœna*; for *carcer ad homines custodiendos, non ad puniendos dari debet*. Co. on Lib. lib. 3. cap. 7. sect. 438.

**Prisoner**, *Prisonarius, captivus*, From the French *Prisonnier*; signifies a Man restrained of his Liberty upon any Action civil or criminal, or upon Commandment: And a Man may be a Prisoner upon Matter of Record, or Matter of Fact. Prisoner upon Matter of Record is he, which being present in Court, is by the Court committed only upon Arrest, be it by the Sheriff, Constable, or other. *Staundf. pl. cor. lib. 1. c. 32. f. 34. & 35.*

**Privation**, *Privatio*, A Bereaving, or Taking away, most commonly applied to a Bishop or Rector of a Church, when by Death, or other Act they are deprived of their Bishoprick, or Benefice. See Co. on Lit. f. 329.

**Priva**



**Privatus** Signifies a Friend, or Familiar. *Et ideo ad hoc veni ut inter eos Privatus mediator existere:*

*Qui nimis est privatus, eum vitare necesse est.*

**Privilege**, *Privilegium*, Is defined by Cicero in his Oration *pro domo sua*, to be *lex privata homini irrogata*. It is, says another, *Jus singulare*, whereby a private Man, or a particular Corporation is exempted from the Rigour of the Common Law. It is sometimes used in the Common Law for a Place that hath any special Immunity. *Kitchin*, fol. 118. **Privilege** is either personal, or real: A *personal Privilege* is that which is granted to any Person either against, or beyond the Course of the Common Law: As for Example, A Member of Parliament may not be arrested, nor any of his Servants, during the Sitting of the Parliament; nor for a certain Time before and after. A *Privilege real* is that which is granted to a Place, as to the *Universities*, that none of either may be called to *Westminster-Hall*, upon any Contract made within their own Precincts, or prosecuted in other Courts: And one belonging to the Court of *Chancery* cannot be sued in any other Court, certain Cases excepted; and if he be, he may remove it by *Writ of Privilege*, grounded upon the Statute 18 E. 3. See the *New Book of Entries*, verbo *Privilege*. *Privilegium est jus singulare, hoc est, privata lex, quæ uni homini, vel loco, vel Collegio, & similibus aliis conceditur.*

'Tis an antient Privilege for Men to be exempted from Arrests in or near the King's Palace where he is resident; because in such Cases Quarrels often happen, and the Peace ought to be kept there. In *Leg. H. 1. cap. 16. Longe debet esse pax Regis a porta sua ubi residens erit, a quatuor partibus illius loci, hoc est, quatuor milliaria, & tres quarantone, & novem a.r.c latitudine, & novem pedes, & novem palma. & novem grana hordei, multus enim respectus esse debet, ac multa diligentia, ne quis pacem Regis infringat, maxime in ejus vicinia.*

**Privity**, *Privitas*; Private Familiarity, Friendship, inward Relation: If there be Lord and Tenant, and the Tenant holds of the Lord by certain Services, there is a *Privity* between them in respect of the Tenure. See *Privy*.

**Privy Seal**, *Privatum sigillum*, Is a Seal that the King useth to such Grants, or other Things, as pass the *Great Seal*: First they pass the *Privy Signet*; then the *Privy Seal*; and lastly, the *Great Seal of England*. The *Privy Seal* is sometimes used in Things of less Consequence, that never pass the *Great Seal*. No Writs shall pass under the *Privy Seal* which touch the Common Law. 2 *Inst. f. 555.*

**Privy**, Derived of the French *prive*, i. *familiaris*, Signifies him that is Partaker, or hath an Interest in any Action, or Thing; as *Privies of Blood*, *Old Nat. Brev. fol. 117.* be those that are linked in Consanguinity; every Heir in Tail is *privy* to recover the Land intailed. *Id. fol. 147.* No *Privity* was between me and the Tenant. *Littleton, fol. 106.* If I deliver Goods to a Man, to be carried to such a Place, and he, after he hath brought them thither, doth steal them, 'tis Felony; because the *Privity* of Delivery is determined, as soon as they are brought thither. *Staundf. pl. cor. li. 1. c. 15. f. 25.* *Merchants-privy* be opposite to *Merchants-strangers*, 2 E. 3. 9 & 14. The Author of the *New Terms of the Law* maketh divers Sorts of *Privies*, viz. *Privies in Estate*, *Privies in Deed*, *Privies in Law*, *Privies in Right*, and *Privies in Blood*; where you may read Examples of each of them in the

Word *Privy*. See *Perkins* 831, 832, 833. and *Co. l. 3. fol. 23.* *Walker's Case*, and *lib. 4. fol. 123, 124.* mentions Four Kinds of *Privies*, viz. *Privies in Blood*, as the Heir to his Father: *Privies in Representation*, as Executors, or Administrators to the Deceased; *Privies in Estate*, as he in the Reversion, and he in the Remainder, when Land is given to one for Life, to another in Fee, for that their Estates are created both at one Time: The fourth is *Privy in Tenure*, as the Lord by Escheat, that is, When the Land escheateth to the Lord for Want of Heirs. See *Co. on Lit. lib. cap. 8. sect. 161.*

**Privy** Was the Name of the Seal of King Arthur, on which the Virgin Mary was painted. 'Tis mentioned in *Geoffry of Monmouth, l. 7. c. 2.*

**Privat**, in *Leg. Canuti, cap. 44. apud Brompton* signifies To claim a Thing as his own. *Et nemo illud probare debeat ante sex menses postquam furatum est.*

**Probate of Testaments**, *Probatio Testamentorum*, Is the Exhibiting and Proving Wills and Testaments before the Ecclesiastical Judge, delegated by the Bishop, who is Ordinary of the Place where the Party dies. And the Ordinary is known by the Quantity of the Goods that the Deceased had out of the Diocese wherein he departed; for if all his Goods be in the same Diocese, then the Bishop of the Diocese, or the Archdeacon (according as their Composition or Prescription leads) hath the *Probate of the Testament*: But if the Goods be dispers'd in divers Dioceses, so that there be any Sum of Note (as Five Pounds ordinarily) out of the Diocese where the Party lived; then is the Archbishop of Canterbury (or York) the Ordinary, by his *Prerogative*. See *Prerogative of the Archbishop*. This *Probate* may be made in Two Sorts, in *common Form*, or *per testes*. The Proof in *common Form* is only by the Oath of the Executor, or Party exhibiting the Will, who sweareth upon his Belief, That the Will exhibited by him, is the last Will and Testament of the Deceased. The Proof *per testes* is, when over and besides his own Oath he also produces Witnesses, or makes other Proof to confirm the same, and that in the Presence of such as may pretend any Interest in the Goods of the Deceased, or at least in their Absence, after they have been lawfully summoned to see such a Will proved, if they think good. And the later Course is taken most commonly, when there is Fear of Strife, or Dispute about the Deceased's Goods. For some hold that a Will proved in *common Form* only, may be called in Question any Time within Thirty Years after. And where a Will disposes of Lands and Tenements of Freehold, it is now frequently proved by Witnesses in Chancery.

**Prouator**, An Accuser, or Approver, or one who undertakes to prove a Crime charg'd upon another. The Word was strictly meant of an Accomplice in Felony, who to save himself confess'd the Fact, and accus'd any other Principal or Accessory, against whom he was bound to make good the Charge by Duel, or Trial by the Country, and then was pardoned Life and Members, but yet to suffer Transportation. — *Cum Probator perfecerit quod promissit, tenetur ei conventio, scilicet ut vitam habeat & membra. Sed in regno remanere non debet, etiamsi velit plegias invenire. Bracton. Vid. Fleta, lib. 2. cap. 52. §. 42. 44.*

**Procedendo** Is a Writ whereby a Plea or Cause, formerly called from a base Court to the Chancery, King's Bench, or Common Pleas, by Writ of *Privilege* or *Certiorari*, is released or sent down again to the same

same Court, to be proceeded in there, after it appeareth that the Defendant hath no Cause of Privilege, or that the Matter comprised in the Bill be not well proved. *Bro. hoc Titulo*, and *Co. Vol. 6. fol. 63.* In *21 Rich. 2. cap. 11. in fine*; Letters of *Procedendo* granted by the Keeper of the Privy Seal. See in what divers Manners it is used in the Table of the Original and Judicial Writts, *Anno 21 Jac. cap. 23.*

*Procesus*, *Processus*, From *procedendo ab initio usq; ad finem*, is the Manner of proceeding in every Cause, being the Writts and Precepts that go forth upon the Original upon every Action, being either Original or Judicial. *Britton, fol. 133.* wherein there is great Diversity, as you may see in the Table of *F. N. B. verbo Processus*, and *Broke hoc Tit.* Sometimes that only is called *The Process*, by which a Man is called into the Court, because it is the Beginning or the principal Part thereof, by which the Rest of the Business is directed, according to that Saying of *Aristotle*, *ἡ ἀρχὴ καὶ ἡ συντελευτὴ πάντων*. Divers Kinds of *Process* upon Indictments, see in *Crompt. Just. of Peace, f. 133, 134, 135.* and *Lamb. in his Treatise of Processes*, adjoining to his *Eirenarchia*. *Special Process* is that which is especially appointed for the Offence by Statute, for which he refers his Reader to the Eighth Chapter of his Fourth Book. The Difference between *Process* and *Precept*, or *Warrant* of the Justices, is this, The *Precept* or *Warrant* is only to attach and convent the Party before any Indictment or Conviction, and may be made either in the Name of the King or the Justice. But the *Process* is always in the King's Name, and usually after an Indictment. *Co. 8 Rep. Blackmore's Case.*

*Procession*, In Cathedral and Conventual Churches, the Members had their stated *Processions*, wherein they walked Two and Two, in their most ornamental Habits, with Hymns, Musick, and other suitable Expressions of Solemnity and Respect to the Occasion. In every Parish there was a customary *Procession* of the Parish-Priest, the Patron of the Church, with the chief Flag, or holy Banner, and the other Parishioners in *Ascension Week*, to take a Circuit round the Limits of the Manor, and pray for a Blessing on the Fruits of the Earth. To this we owe our present Custom of *Perambulation*, which is still in most Places called *Processioning*, and going in *Procession*, though we have lost the Order, and almost the Devotion, as well as the Pomp and Superstition of it.

*Processum continuando* Is a Writ for the Continuance of a *Process*, after the Death of the Chief Justice, or other Justices in the Writ of *Oyer and Terminer*. *Regist. Orig. fol. 128.*

*Prochein amy*, (*Proximus amicus, vel propinquior*, the next Friend); is used in the Common Law for him that is next of Kin to a Child in his Nonage, and is in that Respect allowed by Law to deal for him in the managing his Affairs, as to be his Guardian, if he hold any Land in *Socage*, and in the Redress of any Wrong done to him. *Stat. Westm. 1. cap. 48.* and *Westm. 2. cap. 15.* and is in the Prosecution of any Action at Law per *Guardianum*, where the Plaintiff is an Infant; & per *proximum amicum*, where the Infant is Defendant. See *Co. 2 Inst. fol. 261.*

*Proclamation, Proclamatio*, Is a Notice publicly given of any Thing, whereof the King thinks fit to advertise his Subjects, and so it is used. *7 Rich. 2. cap. 6.*

*Proclamation of Rebellion* Is a publick Notice given by the Officer, that a Man not appearing upon a *Subpoena*, nor an *Attachment* in the Chancery, shall be reputed a Rebel, unless he render himself by a Day assigned in this Writ. *Crompt. Jur. fol. 92.* See *Commission of Rebellion.*

*Proclamation of a Fine* Is a Notice openly and solemnly given at all the *Affises* held in the County, within one Year after the engrossing it. And these *Proclamations* are made upon Transcripts of the Fine, sent by the Justices of the Common Pleas to the Justices of *Affise*, and the Justices of Peace. *West. Symb. 2 par. Tit. Fines, sect. 132.* where also you may see the Form of the *Proclamation*, *Proclamare est valde & palam clamare.* *F. N. B. fol. 85.* says, That the King's *Proclamation* is sufficient to stay a Subject from going out of the Realm. See the Strength of *Proclamations*. *Anno 31 H. 8. cap. 8.* See also *Proclamations* in divers Cases. *New Book of Entries, verbo Proclamations.*

*Pro confesso* Is, when upon a Bill exhibited in Chancery, the Defendant appears, and is in Contempt for not answering, and is in Custody; upon a *Habeas Corpus*, (which is granted by Order) to bring him to the Bar, the Court assigns him a Day to answer, which being expired, and no Answer put in, a second *Habeas Corpus* is granted, and a further Day assigned; by which Day, if he answers not, the Bill, upon the Plaintiff's Motion, shall be taken *pro confesso*, unless Cause be shewed by a Day, which the Court usually gives; and for Want of such Cause shewed, upon Motion, the Substance of the Plaintiff's Bill shall be Decreed, as if it had been confessed by the Defendant's Answer. As it was in the Case of *Filmore and Denny, Hill. 1662.* Or after a Fourth insufficient Answer to the Bill, the Matter of the Bill not sufficiently answered unto, shall be taken *pro confesso*.

*Proctor, Procurator*, Is he who undertakes to manage another Man's Cause in any Court of the Civil Law or Ecclesiastical, for his Fee. *Qui aliena negotia gerenda suscipit.*

*Proconsules* Were those who were called Justices in Eyre, or *Justiciarii Errantes*, in England. *Illustris comes Legecestria Robertus modesto Proconsulatum gerens apud Britannias.* *Joh. Sarisburiensis, lib. 5. Policrat. cap. 15.*

*Proctors of the Clergy, Procuratores Cleri*, Are those who are chosen and appointed to appear for the Cathedral, or other Collegiate Churches; as also for the Common Clergy of every Diocese at the Parliament, to sit in the Lower House of Convocation; and this is the Manner of their Election. First, The King directeth his Writ to the Archbishop of each Province, for the Summoning of all Bishops, Deans, Archdeacons, Cathedral and Collegiate Churches, and generally of all the Clergy of his Province, assigning them the Time and Place in the said Writ: Then the Archbishops proceed according to Custom: One Example shall serve for both. The Archbishop of *Canterbury* upon his Writ received, directeth his Letters to the Bishop of *London*, as his Dean Provincial: First, citing himself peremptorily, and then willing him to cite in like Manner all the Bishops, Deans, Archdeacons, Cathedral and Collegiate Churches, and generally all the Clergy of his Province to the Place, and against the Day prefixed in the Writ; but directeth withal, that one *Proctor* be sent for every Cathedral or Collegiate, and two for the Body

Body of the inferior Clergy of each Diocese: And by Virtue of these Letters authentically sealed, the said Bishop of London directeth his like Letters severally to the Bishop of every Diocese of the Province, citing them in like Sort, and commanding them not only to appear, but also to admonish the said Deans and Archdeacons personally to appear, and the Cathedral or Collegiate Churches, as also the common Clergy of the Diocese to send their Proffors to the Place at the Day appointed; and also willeth them, to certify to the Archbishop the Names of all and every so warned by them, in a Schedule annexed to their Letter certificatory. The Bishops proceed accordingly, and the Cathedral and Collegiate Churches, and also the Clergy make Choice of their Proffors; which done, and certified to the Bishop, he returneth all at the Day. These Proffors of the Clergy had heretofore Place and Suffrage in the Commons House of Parliament, as appears by the Statute 21 R. 2. cap. 2 & 12. See Prolocutor and Convocation, and see 4 Inst. fol. 4.

**Procuracy**, (Anno 7 R. 2. Stat. 1. cap. 3.) See Procurator.

**Procurations** (*Procuraciones*) Are certain Sums of Money which Parish-Priests pay yearly to the Bishop or Archdeacon, *ratione Visitationis*. They were anciently paid in necessary Victuals for the Visitor and his Attendants; but afterwards turn'd into Money: For *Procuratio*, in a strained Sense, signifies a Diet, and is thus defined by *Vallerius*, to be *Necessarium sumptuum exhibitio, quæ ratione Visitationis debetur ab Ecclesia vel Monasterio ei cui ex officio incumbit jus & onus visitandi, sive is sit Episcopus, sive Archidiaconus, sive Decanus, sive Legatus summi Pontificis*. Anno 1290. Md. quod die Mercurii in Festo Sancti Lucae Evangel. Dominus Episcopus cepit Procuracionem suam in cibis & potibus apud Bordesley, & pernoctavit ibidem. Giff. fol. 226. b. See an Historical Discourse of Procurations and Synodals, printed Anno 1661. These are also called *Proxies*; as, *Archidiaconatus Glouc. valet clare in Proxis, Cenag. & Pentecostal. per annum 64l. 10s. 00d. Ex Record. Primitiar. 26 Hen. 8. See Dyer, fol. 373. b. and Claus. Rot. 31 Edw. 1. m. 15. verso. See Hospitium and Convivium.*

Complaints were often made to the Pope of the excessive Charges of the *Procurations*, which were prohibited by several Councils and Bulls. That of *Clement* the Fourth, mentioned in the *Monasticon*, 2 Tom. pag. 165. is very particular; wherein that Pope tells us, that Complaint had been made to him that the Archdeacon of *Richmond*, visiting the Diocese, travelled with One Hundred and three Horses, Twenty-one Dogs, and Three Hawks, and did so grievously oppress a Religious House with that vast Equipage, that he caused the Monks to spend in an Hour as much as would have maintained them a long Time. See *Indemnitates*.

**Procurator**, One who has a Charge committed to him by another. So the *Proxies* of Lords in Parliament are in our Law Books called *Procuratores*. It signifies also a Vicar or Lieutenant; one who acts instead of another. In *Petrus Blesensis*, Ep. 47. we read of a *Procurator Regni*. So *Procurator reipublice* is a publick Magistrate. There are also *Procuratores Cleri* sent to the Convocation; and the Bishops sometimes are called *Procuratores Ecclesiarum*. And from this Word comes the common Word *Proffor*, in the Civil Court. It

is also used for him that gathers the Fruit of a Benefice for another Man. Anno 3 Rich. 2. Sitt. 1. cap. 3. and *Procuracy* for the Writing or Instrument, whereby he is authorized. *Procuratores* are at this Day in the West Parts called *Proffors*.

**Procuratores Ecclesie Parochialis**, The Churchwardens, who were to act as *Proxies* and Representatives of the Church, for the true Honour and Interest of it. ————— *Johannes Peris sen. & Johannes Bailly Procuratores Ecclesie parochialis de Acle. Paroch. Antiquit. pag. 562.*

**Procuratorium**, The *Procuratory* or Instrument by which any Person or Community did constitute or delegate their Proffor or Proffors, to represent them in any judicial Court or Cause.

**Procurator Monasterii**, The Advocate of a Religious House, who was to sollicite the Interest, and plead the Causes of the Society. See *Provisor Monasterii*.

**Procurator**. See *Maloeis Procurators*.

**Procurus** Is the Genealogy of a Man. Cum a quodam clerico & perito originem & procursum Regis Ludovici quæreret. Mat. Paris. Anno 1130.

**Prodes Homines**; This is a Title often given in our old Books to the Barons or other Military Tenants, who were called to the King's Council, and was no more than *Discreti & Fideles Homines*, discreet Liege-men, who, according to the Best of their Prudence and Knowledge, were to give their Counsel and Advice.

**Prodarius Canis**, A Lurcher, a Setting-Dog. W. Primas Ebor. &c. dilecto Priori de Birstall Salut. ————— Rogamus dilectionem vestram, quatenus si placeat cum celeritate qua poteritis Nobis provideatis in partibus vestris transmarinis de duobus canibus prodariis seu cucheris & vobis de pretio fideliter & plene respondebimus & de custu: Et hoc sicut Nos diligitis nullatenus omittatis, ita quod dictos canes habeamus citra Festum beati Michaelis omni modo. Dat. Beverl. 10 Cal. Sept. 1280. Collectan. Matth. Hutton. S. T. P. MS.

**Proff**, alias **Prove** Is used for an Inquest, Anno 28 Ed. 3. cap. 13.

**Proffer**, (*Profrum vel proferum*, From the French *Proferer*, i. *producere, edicere, allegare*) Is the Time appointed for the Accounts of Sheriffs, and other Officers in the Exchequer, which is twice in the Year. Anno 51 H. 3. Stat. 5. which may be gathered also out of the Register, fol. 139. In the Writ *De Attornato Vicecomitis pro proffo faciendo*. We read also of *proffers*, 32 H. 8. 21. in these Words, *Trinity-Term shall begin the Monday next after Trinity-Sunday, whensoever it shall happen to fall, for the keeping of the Effoins, Proffers, Returns, and other Ceremonies heretofore used and kept*. In which Place *proffer* signifies the Offer or Endeavour to proceed in an Action by any Man concerned so to do. See *Britton*, cap. 28. fol. 50, 55, 80. and *Fleta*, lib. 1. cap. 38. sect. *Uilegati*, &c. *Præterea idem Henricus de Hastings*, & antecessores sui solebant capere & de jure habere rationabiles expensas suas versus Scaccarium singulis annis, pro duobus Proffris faciendis & uno composito reddendo per annum, &c. Efect. Anno 30 Ed. 1. n. 19. See *Riley's Pla. Parl. fol. 201. de Anno 22 Ed. 1.*

**Proffer** the half-mark. See *Half-mark*.

**Proffert** in *Curia* Is, in Case where the Plaintiff declares upon a Deed, or the Defendant pleads a Deed, he must do it with a *Proffert in Curia*,

*ria*, to the End that the other Party may at his own Charges have a Copy of it; and until he hath at his Request and Charges gotten a Copy of the Deed, he is not bound to answer it. *Pract. Reg. 2 Vol. fol. 382.*

*Profer Viuecomitis*, Though the certain Debt of the Sheriff could not be known before the Finishing of his Account, yet it seems there was anciently an Estimate what this constant Charge of the annual Revenue amounted to, and what the constant Allowances amounted to, according to a *Medium*; and these Sums were paid into the Exchequer at the Return of the Writ of Summons of the Pipe; and they were, and are to this Day called *Profer Viuecomitis*. But although these *Proffers* are paid, yet if upon Conclusion of the Sheriffs Accounts, and after the Allowances and Discharges had by him, it appears that he be in Surplusage, or that he is charged with more than indeed he could receive, he hath his *Proffers* paid or allowed to him again. *Vide Hale of Sheriffs Accounts, pag. 52.*

*Profession (Professio)* Is used particularly for the entering into any Religious Order; (*New Book of Entries, verbo Professio*.) by which a Monk offered himself to God by a Vow of Three Things, viz. Obedience, Chastity, and Poverty, which he promised constantly to observe. And this was called *Sanctæ Religionis Professio*, and the Monk a *Religious Professed*.

*Programma, i. e.* A Letter sealed with the King's Seal. *Spec. Sax. lib. 3. art. 34.*

*Profits appendre.* See *Prendre*.

*Prohibition, Prohibitio*, Is a Writ to forbid any Court, either Spiritual or Secular, to proceed in any Cause there depending, upon Suggestion that the Cognisance thereof belongeth not to the same Court. *F. N. B. fol. 39.* But is now most usually taken for that Writ which lieth for one that is impeached in the Court Christian, for a Cause belonging to the temporal Jurisdiction, or the Consuance of the King's Court, whereby as well the Party and his Counsel, as the Judge himself, and the Register, are forbidden to proceed any further in that Cause. In what Cases this lieth, see *Bro. hoc Tit. & F. N. B. fol. 93.* Of this *Prohibition*, *Brañon, lib. 5. tract. 5. cap. 3, 4, 5, 6, 7, 8, 9, 10, 11, 12.* saith, that it lies not after Sentence given in any Cause: And the Statute of 50 E. 3. ordains, that there should lie no more than one *Prohibition* in one Cause. See the Diversity of *Prohibitions* in the Table of the Register Original, and the *New Book of Entries, verbo Prohibitio*, and *F. N. B. fol. 39.*

*Prohibitio de basso directa parti* Is a Writ Judicial directed to the Tenant, prohibiting him from making Waste upon the Land in Controversy, during the Suit. *Reg. Judic. fol. 21.* It is sometimes made to the Sheriff; the Example whereof you have in the same Book next following.

*Pro indiviso* Is a Possession or Occupation of Lands or Tenements, belonging to Two or more Persons, whereof none knows his several Portion, as *Coparceners* before Partition. *Brañon, lib. 5. tract. 2. cap. 1. num. 7.* See *Pourparty* and *Partitione facienda*.

*Proleg*, In English *Progeny*, Is properly such as proceed from a lawful Marriage; tho' if the Word be taken at large, it may well denote the Issue of an unlawful Bed.

*Prolocutor of the Convocation House, Prolocutor Domus Convocationis*, Is an Officer chosen by Persons Ecclesiastical, publickly assembled by Virtue of the King's Writ for every Parliament; and as there be Two Houses of Convocation, so there are Two *Prolocutors*, one of the Lower, and one of the Higher House. He of the Lower House, presently upon the first Assembly, by the Motion of the Bishops, being chosen by the Members of the said Lower House, is presented to the Bishops for *Prolocutor*, that is, the Person by whom they intend to deliver their Resolutions to the Higher House, and to have their own House especially ordered and governed. His Office is to cause the Clerk to call the Names of such as are of that House, when he sees Cause, to read all Things propounded, gather Suffrages, and the like.

*Promise, Promissio*, Is, when upon a valuable Consideration, we bind our selves by our Words to do or perform such an Act as is agreed upon and concluded, upon which an Action may be grounded; whereas, if it be without Consideration, it is called *Nudum pactum, ex quo non oritur actio*.

*Promoters*, or rather *Promotors, Promotores*, Are those who in popular and penal Actions do prosecute Offenders in their own Name and the King's, having Part of the Fines or Penalties for their Reward; these, among the Romans were called *Quadruplicatores* or *Delatores*. They belong especially to the Exchequer and King's Bench. *Smith de Rep. Angl. lib. 2. cap. 14.* Coke calls them *Turbidum hominum genus*. 3 Inst. fol. 191.

*Promulge a Law, Promulgare Legem*, Is first to make a Law, and then to declare, publish, and proclaim the same to publick View, and so

*Promulged, Promulgatus*, is published, proclaimed, 6 H. 8. 4.

*Pronotary, or Prothonotary, (Protonotarius, i. e. Primus notarius)* Is a chief Clerk of the Common Pleas, and King's Bench, whereof the first hath three, the other one; for the *Pronotary* of the Common Pleas (*Anno 5 Hen. 4. cap. 14.*) is termed a chief Clerk of that Court. He of the King's Bench records all Actions Civil, as the Clerk of the Crown-Office does all Criminal Causes in that Court. Those of the Common Pleas, since the Order of 14 Jac. upon an Agreement made betwixt the *Prothonotaries* and *Es-lacers* of that Court, (who before did enter all Declarations and Pleas, whereunto a Serjeant's Hand was not required,) do enter and enrol all Manner of Declarations, Pleadings, Assises, Judgments, and Actions. They make out all Judicial Writs, except Writs of *Habeas Corpus* and *Distingas Furator*. for which there is a particular Office, not much beyond the Memory of Man erected, called *The Habeas Corpora Office*. They also make out Writs of Execution, and of *Seisin*, Writs of *Privilege*, for removing Causes from other inferior Courts of Record, in Case where the Party hath Cause of Privilege. Writs of *Procedendo*, of *Scire facias* in all Cases, and Writs to enquire of Damages; and all Process upon Prohibitions, and upon Writs of *Audita Querela*, and false Judgment, *cum multis aliis*. They enter and enrol all common Recoveries; and may make Exemplifications of any Record in the same Term, before their Rolls are made up, and brought into the Treasury of Records in that Court.



**Proff**, *Probatio*: Bracton says, There is *Probatio duplex*, viz. *viva*, as by Witnesses, *viva voce*; and *Mortua*, by Deeds, Writings, &c. A Wife cannot be produced either against or for her Husband, *quia dua sunt anime in carne una*, and it might be a Cause of irreconcilable Discord, and a Means of great Inconveniences. *Co. on Lit. lib. 5. cap. sect. 1.*

**Pro partibus liberandis** Is a Writ for the Partition of Lands between Co-heirs. *Reg. Orig. fol. 316.*

**Propertia**, The same with *Perpars*, viz. *interiores Propertia facta sunt de pradiis Comitatus, advocacionibus & castris.* *Monastic. 1 Tom. pag. 305.*

**Property**, *Proprietas*, Is the highest Right that a Man hath, or can have to any Thing, and no Ways depending upon any other Man's Courtesy. And this none in our Kingdom can be said to have in any Lands or Tenements, but only the King in the Right of his Crown; because all the Lands throughout the Realm are in the Nature of Fee, and hold either mediately or immediately of the Crown. This Word nevertheless is used for that Right in Lands and Tenements that common Persons have, because it importeth as much as *Utile Dominium*, though not *directum*. See *Fee*. And there are Three Manner of Rights of Property, that is, *Property absolute*, *Property qualified*, and *Property possessory*. Of which see at large, *Co. lib. 7. fol. 17. Case of Swans.*

**Propheties**, *Prophetie*, Are by our Statutes taken for foretelling of Things to come in dark and ambiguous Speeches, whereby great Commotions have been often caused in this Kingdom, and great Attempts made by those to whom those Speeches promised good Success, though the Words are mystically framed, and point only at the Cognizance, Arms, or some other Quality of the Parties. *Anno 3 E. 6. cap. 15. and 7 Ejusd. cap. 11. and 5 Eliz. cap. 15.* But these for Distinction sake are called *fond*, *false* and *fantastical Propheties*. *3 Inst. fol. 128.*

**Proportio**, *Stene de verbor. signif. latins* it *Proportio assise*, The Declaration or Deliverance of an Assise, otherwise called *Verdictum Assise*, the Verdict of an Assise, because the Assisors are sworn to declare the Truth, and therefore are called *Juratores*, Jurors.

**Proportare**. This Word is mentioned in *Mon. Angl. 1 Tom. pag. 534. Et unam partem fossi nostri, sicut fossata proportionant, i. e. as far as the Ditches reach.*

**Proportion**. See *De onerando pro rata portionis.*

**Proportum**, Purport, Intention or Meaning. *Secundum Proportum dicti Cyrographi inter eos Confessi.* *Carta Rogeri de Quincy, 31 H. 3.*

**Propounders**. The 85<sup>th</sup> Chap. of Coke's 3 Institutes is intituled, *Against Monopolists*, Propounders and Projectors; where it seems to be used only as a Synonymia to *Monopolists*.

**Proprietarii Monachi** Were those Monks who had any Goods or Substance of their own. They are often mentioned in *Mon. Angl. 3 Tom. p. 307. & in Addit. ad Matt. Paris. pag. 115. Monachi Proprietarii excommunicentur ab Abbatibus, & si in morte proprietarius inventus fuerit, Ecclesiastica careat sepultura, &c.*

**Proprietary**, *Proprietarius*, Is he that hath a Property in any Thing, *que nullius arbitrio est obnoxia*; but was heretofore chiefly used for him

that hath the Fruits of a Benefice to himself, and his Heirs or Successors, as in Time past *Abbots and Priors* had to them and their Successors. See *Appropriation*.

**Proprietate probanda** Is a Writ that lies for him that would prove a *Property* before the Sheriff. *Reg. Orig. fol. 83, 85.* For where a *Property* is alledged, a *Replegiare* lieth not. *Broke, Property 1.*

**Pro rata**, That is, *pro proportionione*, *16 Car. 2. cap. 6.* *Pro rata portionis.* See *Onerando pro rata portionis.*

**Prologue**, *Prorogare*, To prolong, or put off to another Day, *Anno 6 H. 8. cap. 8.* The Difference between a *Prorogation* and an *Adjournment*, or Continuance of the Parliament, is, That by the *Prorogation* in open Court there is a Session, and then such Bills as passed in either House, or both Houses, and had not the Royal Assent to them, must at the next Assembly begin again; for every Session of Parliament is in Law a several Parliament, but if it be but adjourned or continued, then is there no Session, and consequently all Things continue in the same State they were in before the *Adjournment*. *4 Inst. fol. 27.* This Distinction and Difference betwixt *Prorogation* and *Adjournment*, has not been long in Use; for anciently they were used as Synonymia's. *Prorogetur Curia de hora in horam quousque Placitum terminetur.* *MS. de LL.*

**Prosecutor** Is he that follows a Cause in another's Name. See *Promooters*.

**Protection**, *Proteccio*, Hath a general and a special Signification: In the General it is used for that Benefit and Safety which every Subject, Denizen, or Alien, especially secured, hath by the King's Laws, and so it is used. *25 E. 3. 22.* *Protection* in the special Signification, is used for an Exemption or Immunity given by the King to a Person against Suits in Law, or other Vexations; upon reasonable Causes him thereunto moving, which is a Branch of his *Prerogative*. And of this Fitzherbert in his *Nat. Brev. fol. 28.* maketh Two Kinds; the first he calls a *Protection cum clausula Volumus*, whereof he mentions four Particulars: 1. A *Protection quia profecturus*, for him that is to pass over Sea in the King's Service. 2. A *Protection quia moraturus*, for him that is abroad in the King's Service upon the Sea, or in the Marches. 3. A *Protection* for the King's Debtor, that he be not sued or attached till the King be paid his Debt. This some Civilians call *Moratorium*. And 4. A *Protection* in the King's Service beyond the Sea, or in the Marches of Scotland, *Anno 1 R. 2. cap. 8. Reg. Orig. fol. 23. and Britton, cap. 123.* The second Form of *Protection*, is *cum clausula Nolumus*, which is granted most commonly to a Spiritual Company for their Immunity, from taking of their Cattel by the King's Ministers: But it may be granted also to one Man Spiritual or Temporal. *Reg. Orig. fol. 22, 23.* None of these *Protections* extend to *Pleas of Dowry*, *Quare impedit*, *Assise of Novel Disseisin*, *Darrein Presentment*, and *Attaints and Pleas before Justices in Eyre*. See the *Terms of the Law*, verbo *Protection*, and *New Book of Entries* of this Word.

**Prothonotary**. See *Pronotary*.

**Prothotestarius** Was he whom our King heretofore made Chief of *Windfor Forest*, to hear all Causes of *Death* or *Maibem* there. *Camb. Y y 2. Brit.*

*Brit. pag. 213.* A Kind of a Lord Chief Justice in Eyre.

**Protest**, *Protestari*, Hath two divers Applications; one is by Way of Caution, to call Witnesses (as it were) or openly affirm, That he doth either not at all, or but conditionally yield his Consent to any Act, or unto the Proceeding of a Judge in a Court, wherein his Jurisdiction is doubtful, or to answer upon his Oath further than by Law he is bound. See *Plowden, fol. 676. Greshook's Case, and Reg. Orig. fol. 306.* The other is by Way of Complaint; to *protest* a Man's Bill. For Example. If I give Money to a Merchant in France, taking his Bill of Exchange to be repaid in England by one whom he assigneth; if at my coming, I find not my self satisfied, but either delayed or denied, then I go to the Exchange, or open Concourse of Merchants, and *protest*, That I am not paid; and thereupon if he hath any Goods remaining in any Man's Hands within the Realm, the Law of Merchants is, that I be paid out of them to my full Satisfaction.

**Protestation**, *Protestatio*, Is (as Justice Walsb defines it) a Defence or Safeguard to the Party which maketh it from being concluded by the Act he is about to do, that Issue cannot be joined by it. *Plowd. fol. 276. whereof see Reg. Orig. fol. 326.* And see *Protest*. It is a Form of Pleading, when one does not directly affirm, or directly deny any Thing that is alledged by another, or which he himself alledgeth.

**Prove**. See *Prose*.

**Prover**, *Probat*, Anno 28 E. 1. and 5 H. 4. cap. 2. See *Approvers*, and 3 par. *Inst. fol. 129.* A Man became an Approver, and appealed Five, and every of them joined Bartel with him: *Et duelum percussum fuit cum omnibus, & probator devicit omnes quinque in duello, quorum quatuor suspendebantur, & quintus clamabat esse clericum & allocatur, & probator pardonatur.* Mich. 39 E. 3. coram Rege. Rot. 97. Suff.

**Providentia**, Provision of Meat or Drink. *Hilaritas dapum & poculentorum omnibus venire volentibus & refecti cupientibus semper parata erat quamdiu ibi moram traxit, & talem providentiam ibi fecerat, quod tota curia mirabatur.* providentia vini ante adventum suum in cellaria sua erat centum doliorum. Hen. Knyghton sub anno 1354.

**Provincer**, *Provincia*, Was used among the Romans for a Country without the Limits of Italy, gained to their Subjection by the Sword: Whereupon that Part of France next the Alpes was so called of them, and still retains the Name: But with us a Province is most usually taken for the Circuit of an Archbishop's Jurisdiction, as the Province of Canterbury, and the Province of York, 32 H. 8. 23. and 33 H. 8. 31. yet it is also divers Times used in our Statutes for several Parts of the Realm, and sometimes for a County. *In placito Agnetis qua fuit uxor Radulphi de Buttiller versus priorem de Repindon, pro terra in Pykinton, Prior dicit, quod nulla villa est in Provincia illa qua sic vocatur.* Placit. de Juratis & Assis apud Derby Pasch. 53 H. 3. Rot. 2.

**Provincial**, *Provincialis*, Is a Chief Governor of a Religious Order of Friars, &c. 4 H. 4. 17.

**Provision**, *Provisio*, Is used with us as in the Canon Law, for the providing of a Bishop, or any other Person, an Ecclesiastical Living, by the Pope, before the Incumbent be dead: It is

also called *Gratia expectativa*, or *Mandatum de providendo*: The great Abuse whereof you may read not only in *Duavenus de sacris Ecclesie Ministeriis & Beneficiis. lib. 3. cap. 2.* but also in divers Statutes of this Realm, viz. 35 E. 3. 22 stat. 4 & 5. commonly called the Statute *De provisionibus*, & 27 E. 3. cap. 1. & 38 E. 3. stat. 2. cap. 1, 2, 3, 4. & 2 Rich. 2. cap. 7. 3 R. 2. cap. 3. 7 R. 2. 12. 12 R. 2. stat. 2. cap. 2, 3, 4. & 3 H. 5. cap. 4. See *Premunire*.

**Provisions**, The Acts to restrain the exorbitant Abuse of arbitrary Power made in the Parliament at Oxford, 1258. were called *Provisiones* by *Rishanger*, who continued *Matt. Paris. Anno 1260. Rex autem quia juraverat cum Edwardo primogenito suo & Baronagio Provisiones Oxonienses se inviolabiliter servaturum, &c.* being to provide against the King's Absolute Will and Pleasure. See *Matt. Paris. sub annis 1244. & 1258.*

*Provisiones* Were also the same with *Providentia*, i. e. Provisions of Victuals.

*Gratissime dari provisio jubemus.*

**Proviso** Is a Condition inserted into any Deed, upon the Observance whereof the Validity of the Deed depends: Sometimes it is only a Covenant. Co. 2 Rep. Lord Cromwell's Case. It hath also another Signification in Matters Judicial, as if the Plaintiff or Demandant desist in prosecuting an Action by bringing it to a Trial: The Defendant or Tenant may take out a *Venire facias* to the Sheriff, which hath in it these Words, *Proviso quod, &c.* to this End, that if the Plaintiff take out any Writ to that Purpose, the Sheriff shall summon but one Jury upon them both: In which Case we call going to Trial by *Proviso*. See *Old Nat. Brev. fol. 159. in the Writ Nisi prius.*

**Provisor** Is he that sues to the Court of Rome for a Provision, which is called *Gratia expectativa* according to *Spelman*. See also *Old Nat. Brev. fol. 143.* they were prohibited by Proclamation 42 Hen. 3. Anno 1258. *Hill. pag. 259.* It is sometimes also taken for him that hath the Care of providing Things necessary, a Purveyor. See *Provisio*. *Provisores dicuntur, qui vel Episcopatum vel Ecclesiasticam aliam Dignitatem in Romana Curia sibi ambiebant de futuro, quod ex gratia expectativa nuncuparunt, quia usque dum vacaret expectandum esset.* Spelm.

**Provisor Monasterii**, The Treasurer or Steward of a Religious House, who had the Custody of Goods and Money, and supervised all Accounts. *Abbas Turketulus. Dominum Egelvicum tunc Provisorum suum, Statum Domus tam in Thesauris, quam in jocalibus aliis jussit ostendere. Vasa vero aurea & argentea multa, qua omnia integra in necessitatem Monasterii sub Provisoris & Procuratoris custodia deputaverat conservanda. Erant enim ambo Egelrici cognati sui secundum carnem, & Fratres secundum Deum religiosissimi, alter Monasterii Provisor, alter Procurator: Provisor in temporalibus tractandis prudentissimus; Procurator vir Scolaasticus, & omnium literarum scientia profundissima imbutus.* Ingulph. Hist.

**Provisor Victualium**, The King's Purveyor, who provided for the Accommodations of his Court, is so called in our Historians.

**Provost Marshal**, An Officer in the King's Navy, who hath Charge of the Prisoners taken at Sea. 13 Car. 2. cap. 9. and is sometimes used for

for the like Purpose at Land, or to seise or arrest any within the Jurisdiction of his Place or Office.

**Porege.** See *Senage*, Haply it may be the Payment of Proxies or Procurations, *sed quere.*

**Porpes** Are yearly Payments made by Parish-Priests to their Bishop or Archdeacon, *rati- one visitationis.* See *Procurations*, and the Case between the King and Sir Ambrose Forth, 2 Jac. in the Exchequer. See also Sir Jo. Davis, Rep. fol. 4.

**Pryk** Seems to signify an old fashioned Spur with one Point, not a Rowel, and is a Kind of Service or Tenure. — *Nicholas filius & heres Nich. de Longford Chivalier, tenet 4. Messua- gia, 40 Acres terra, 10 Acres prati & 60 s. redditus cum pertinentiis in Kinwaldmersh de Rege in Capite, per servitium inveniendi unum equum, unum saccum & unum Pryk in Guerra Wallia quandoque contigerit Regem ibi guerare.* Mich. Fines, 1 Rich. 2. Derb. fol. 204. I find in Henry the Eighth's Time, Light Horsemen in War were called *Prickers*, be- cause they used such Spurs or Pryks to make their Horses go with Speed; and to this Day Horsemen say, *Prick on*, when they would have one ride faster.

**Publick Faith**, *Fides publica*, 17 Car. 1. cap. 18. Was a Rebellious Cheat to get Money from the seduced People, upon (as they called it) *The pub- lick Faith* of the Nation, to make a most horrid and causeless Rebellion against a most Religious and Gracious Sovereign, which began about the Year 1642.

**Pucelage**, *Pucellagium*, French *Pucelage*, Vir- ginity — *Quod tenuit eam, dum idem B. abstulit pucellagium suum vel quod concubuit cum ea*, Braet. lib. 3. tract. 2. cap. 28. num. 2, 3, & 5. In an ancient MS. it is written *Puellagium*. In placito pro raptu sic continetur — *quod ipsam de pucellagio suo felonice & totaliter defloravit.* Inter Placit. Mich. 19 E. 3. London, 159.

**Puchia**, A Bag, a Purse. — *Dio Luna proxime post Festum circumcissionis Domini anno 1332. in capi- tulo Eccles. Pauline ordinatum est — quod si omnes Stagiarii a civitate fuerint absentes, tunc Sacrista cum uno de Cardinalibus chori, amoto sigillo Canonici puchia pecunie apposta, pecuniam necessariam liberent Custodi, & puchiam reconsignent* — *Ex Libr. Statutorum Eccles. Pauline.* MS. penes Rev. Joh. Episc. Nor- wic.

**Pudheper**, Si *Pudhepec*, (i. nemoris latio) parco Regis vel Foresta fiat 30 marc. emendetur, nisi propo- sitio propensor amplius exigit. Leg. Hen. 1. cap. 38. But the learned Spelman thinks it is miswritten, for the Saxon *Pudheper*, i. *Wudheper*; the *w* in that Character being like the *p* in ours.

**Pudzeld**, The same with *Woodgeld*. Co. on Lit. fol. 233. And haply the like Mistake in the first Letters of this as of the former Word.

**Puisne**, (Fr. *Puisne*) Younger, *Puny*, born af- ter. See *Mulier*.

**Puleterius**, — *Rex Majori & Vic' London Sa- litem, quia accepimus quod piftores, Tabernarii, Molendinarii, Coci, Puleterii, Pifcenarii, Carnifices, Brafiatores Bladarii & alii de diversis Officiis & Mysteriis, &c.* Par. 1 E. 3. M. 13. seems to signify a Poulterer. *Pullarius.*

**Pulla**, Sax. *Pul*. A Pool or Lake of standing Water. — *Trium aerarum & dimid. juxta pul- lam in terra que vocatur Nateland.* — *Chartular. Abbat. Glaslon. MS. b. 67. a. Vid. Mon. Angl. Tom. 1. 722.*

**Pullani**, i. e. Colts; In the *Monasticon*, 1 Tom. p. 321. *Dono etiam predictis Monachis decimas pulla- norum meorum & vitulorum & agnorum, &c.*

**Pullonatus**, a Colt bred in the House, *Et si equus fuerit furto sublatu, poterit dicere quod ei pullo- natus fuit, & quod eum nutrit per tantum tempus;* &c. Braet. Lib. 3. cap. 32. Par. 5.

**Pulsator**, i. e. the Plaintiff or Actor. Leg. H. 1. c. 26. and *pulsare* is to accuse any one.

*Quisquis vel locuples, pulchra vel conjugate notus, Crimine pullatur falso, &c.*

**Pultura**, i. e. an Examination: From *Pul- sare*, which signifies to ask or demand; and 'tis so called from the Monks, who before they were admitted into the Monasteries, *pulsabant ad fores*, for several Days before they entered: *Et volo ut sint quieti de omnibus causis & querelis & placitis Bal- livorum & Præpositorum hundredi, & a pultura serja- norum, (i. e. the Examination of the Serjeants) & de recardo forestarum, i. e. the Visitation of the Forests.* *Monasticon*, 2 Tom. p. 1035.

**Pulbinarium opus**, for *Piumarium opus*. *Monasticon*, 3 Tom. p. 317.

**Pundebzech**, Derived from the Sax. *Pund*, *Parcus*, and *Brech*, *fractura*. Si *Pundbrech fiat in Curia Regis plena wyta sit, alibi quinque marca.* Leg. Hen. 1. cap. 40. It is the illegal taking of Cat- tel out of the Pound by any Means whatsoever.

**Pundfulda**, A Pound, a Pinfold — *Om- nia alia expleta de predicto marisco venientia inter nos eque dividantur, & ibi fiat Pundfulda averiorum intrantium in predicto Marisco* — *Placita anno 1236. inter Abbat. Glaslon. & Henr. de Hamel in Chartular. Abbat. Glaslon. MS. fol. 42. b. — inter veterem pundfuldam & pratum Ricardi de Cardun- vill.* — *Chartular. Radinges. MS. b. 101. b.*

**Puniata**, i. e. an Handful: *Spelman* thinks it ought to be read *Pumata*, viz. *Lanceta qui pro sale ierit habeat unum panem & unam pumatam salis. i. e. an Handful of Salt.*

**Purples** of a Woman's Gown, From the French Word *Pourfiler*, 33 H. 8. 5. A Sort of Trim- ming for Womens Gowns then in Use; it was made of Tinsel or Gold Thread, and was also called *Paukind-work*. So *Cambden*, Tit. Ireland, speaks of a Mantle or Shag Rug, with a deep fringed purple.

**Purchase**, (*Purchacia*, from the Fr. *Pourchaser*) Is to buy Lands or Tenements with one's Money, or otherwise gain them by one's Indus- try, contradiistinguished from that which comes to one by Descent from his Ancestors. *Gaufridus de Mandevilla Comes Essexia fundator Conobii Sancti Jacobi Waldensis in Charta prima* — *Contuli, &c. omnes Ecclesias inferius annotatas, tam de Dominio meo, quam de emptis & Purchasiis, &c.* Joint Purchase (*conjunctum perquisitum.*) Reg. of Writs, fol. 143. b. is where two Persons or more join in the Purchase of Lands.

**Purchacium**, Purchase, or pecuniary Acqui- sition opposed to hereditary Right. — *Hæc sunt ædificia qua idem Abbas Glaslon. suo tempore eleganter per eandem Abbatiam consummavit, & caru a quas suo tempore de appruamentis & purchacio suo aug- mentavit.* *Chartular. Abbat. Glaslon. MS. fol 42. a.*

**Purgation**, *Purgatio*, Is the clearing a Man's self of a Crime whereof he is generally suspected, and of the same accused before a Judge. Of this there

there was great Use in England touching Matter of Felony, imputed to Clerks in former Times, as appeareth by *Staufd. Pl. Cor. lib. 2. cap. 48.* See *Clergy and Westm. 1. cap. 2.* It is still observed for Matters pertaining to the Ecclesiastical Court, as Suspicion, or common Fame of Incontinency, or such like. And here note, That Purgation is either Canonical, Canonica, or Vulgar, *Vulgaris*. Canonical is that which is prescribed by the Canon Law; the Form whereof is usually thus in the Spiritual Court, The Man suspected takes his Oath, That he is clear of the Fault objected, and brings so many of his honest Neighbours, being not above Twelve, as the Court shall assign him, to swear upon their Consciences and Credulity, That he sweareth truly. *Vulgar Purgation* was by Fire, or Water, or by Combat, used both by Infidels and Christians, till by the Canon Law abolished. But Combat may be still practised by the Laws of the Realm in Causes doubtful; and where there is a want of Evidence, or other Proof, if the Defendant chuse rather the Combat than other Trial. See *Ordel* and *Combat*. See *Suthdure*.

*Purgire mulierem, i. e.* To defile a Woman.

*Purificatio beate Mariæ Virginis, Anno 32 H. 8. c. 21.* See *Candlemas*.

*Purlieu Man*, Is he that hath Ground within the *Purlieu*, and being able to dispend Forty Shillings by the Year of Freehold, is upon these two Points licensed to hunt in his own *Purlieu*. *Manwood's Forest Law, p. 151, 157.* But what he must observe in his hunting, see the same Page 180, 181, 186. and cap. 20. num. 5, 8, 9, &c. See *Purlieu*.

*Purlieu* or *Purlieu*, From the French *Pur, i. purus*, and *Lieu, locus*, is all that Ground near any Forest, which being made Forest by Henry the Second, Richard the First, or King John, was, by Perambulation, granted by King Henry the Third, severed again from the same, and became *Purlieu, i. e.* pure and free from the Laws and Ordinances of the Forest. *Manwood's Forest Laws, cap. 20.* And he calleth this Ground either *pourallee, i. perambulationem*, or *purlieu, purluy*, which he saith, are Mistaken for *pourallee, ibid. num. 3.* And with our first Derivation it may consist, because such Things as were by those forementioned Kings subjected to the Laws and Ordinances of the Forest, are now cleared and freed from the same. And as the *Civilians* call that *purum locum, qui sepulchrorum Religioni non est obstrictus*; so our Ancestors called this *purlieu, i. purum locum*, because it was exempted from that Servitude that was formerly laid upon it. And whereas *Manwood* and *Crompton* call it *pourallee*, we may derive it from *pur, purus*, and *allee, ambulatio*, because he that walketh or courseth within that Circuit, is not liable to the Laws or Penalties incurred by them which hunt within the Precincts of the Forest. See the Statute 33 *Edw. 1. Stat. 5.*

*Purpars, Fr. Pourpart, pro parte. Purparty*, That Part or Share of an Estate, which being first held in common by Copartners, is by Partition allotted to any of them. — *Inquisitio de hereditate Margareta & Elizabethæ — liberes habenda in purpartem ipsius Elizabethæ.* — *Paroch. Antiquit. p. 502.*

*Purpartium*, The same with *Prepars* and *Properitia*, in the Monasticon, 1 Tom. p. 847. *Qui qui-*

*dem Richardus, quia vir animosus erat, intravit in Purpartium matris sue, &c.*

*Purpresture, Purprestura*, From the French *Pourprendre, i. integre arripere*, is properly subtraction clandestina terre alienæ, ejusdemque vicinæ ascriptio. See *Skene de verbor. signif. verbo Perpresture*, and see *Purpresture*.

*Purprium*, French *Pourpris*, a Close or Enclosure, also the whole Compass of a Manor. —

*Donavi eis meum Purprrium de Kirkebam & domos meas, &c. Carta Walteri Espee Priorat. de Kirkeham in Mon. Ang. 2. par. f. 1. 36. n. 40.*

*Purpurati, i. e.* the Sons of Emperors and Kings. *Neubrigenfis, Lib. 3. cap. 4. Malmesbury, lib. 3.*

*Purrel, 25 Eliz. cap. 10.* A List ordained to be made at the End of Kersies, to prevent Deceit in diminishing their Length.

*Pursey*, A Term among Clothiers. 43 *El. 10.* See *Rewey*.

*Pursuivant.* See *Poursuivant*.

*Purbeyance.* See *Pourveyance*.

*Purbeyors.* See *Pourveyors*.

*Purview*, (*Fr. Pourveu*, a Patent, Gift, Grant). Sir Edward Coke often uses it in his Works (how properly I know not) for the Body, or that Part of an Act of Parliament which begins with *Be it Enacted* — The Stat. of 3 H. 7. stands upon a Preamble and a Purview, 12 *Rep. f. 20.* and 2 *Inst. fol. 403.*

*Putatius*, a Sort of Cats, whose Skins were used to line Garments: 'Tis mentioned in *Giraldus*, and in *Brompton*: *Caret hermini, caret putaciis, &c.*

*Putage, Putagium, Fornicatio ex parte femina, quod vox nulla Latina exprimit, quasi Puttam agere*; from the French *Puttee*, or the Italian *Putta, i. meretrix*. This Crime was so odious amongst our Ancestors, that if any Heir-Female under Guardianship were guilty thereof, they forfeited their Part to their Co-heirs; or if she were an only Heiress, the Lord of the Fee took it by Escheat. *Spelman. Quod autem generaliter solet dici putagium hereditatem non adimit, illud intelligendum est de putagio matris; quia filius læres legitimus est, quem nuptiæ demonstrant.* *Glanville, lib. 7. cap. 12.*

*Putatibus*, Reputed, or commonly esteemed, in Opposition to notorious and unquestionable. — *Pater pueri putativus, i. e.* The reputed Father of the Child. *Jo. Brompton, p. 909.*

*Puteus*, A Pit: In former Times the Scots were wont to hang Men Delinquents, and to cast the Women Offenders into a Pit full of Water to drown; and 'tis a Wonder, this Punishment, or Execution, is not found among the Britains, or rather English Saxons, since 'tis evidently met with among the Germans, from whence they came, as appears by *Tacitus*, in his Book *De German. moribus*, where he says, *Proditores transfugas arboribus suspendunt, ignavos & imbelles & corpore infames, (i. fornicantes) cæno ac palude, injecta insuper crate mergunt, pag. 484.*

*Putta*, A Pit, which in the broad Country Tone is still called a *Putt*. — *Una acra in Crocwell furlung qua jacet ad puttam inter terram Johannis le Palmer, &c. Paroch. Antiquit. p. 186. Stane-Puttes for Stone-Pits, ib. p. 397.*

*Putura*, A Custom claimed by Keepers, in Forests, and sometimes by Bailiffs of Hundreds, to take Man's Meat, Horse Meat and Dog's Meat, of the Tenants gratis, within the Perambulation of



of the Forest, or Liberty of the Hundred. *Conmura de Anno 16 E. 1. Ter. Pasch. Rot. 10. in Dorso. Rex mandat Baronibus quod allocent Roberto de Chadworth Vic. Linc. 56s. 7d. quos per preceptum Regis liberavit Jo. de Bellevento pro Putura septem leporariorum & trium falconum & Alanerarium, &c. viz. pro Putura cujuslibet leporarii & falconis per diem 1d. ob. & pro vadiis, &c. Plac. Coron. in Com. Ebor. 21 Ed. Rot. 21. — In libertate de Knaresburgh presentatur, quod parcerii Comitis Cornubie percipient Puturam suam, viz. bis comedendo in die vel capiendo pro Putura sua 2d. de tenentibus in diversis villis ibidem nominatis, sed nunc fecit dictus Comes ipsas villas solvere 3d. pro Putura. Putura in Chasia de Bowland. 4 Inst. 307.*

Per Puturam servient: *Johannes Stanley Ar. clamat habere de qualibet tenente, aliquam terram vocatam Ould Ofgang Lands possidente, qualibet sexta septimana visum prout Paterfamilias residens super hujusmodi terram habuerit. Pl. in Itin. apud Cestriam. 14 H. 7. And the Land subject to this Custom, is called Terra puturata Pla. apud Cestr. 31 E. 3. In the North of England, Putura Serjantia was anciently called Serjant Floyd. — Quils soiens quites de la Poture, & de les choses que les Foresters lour demandent, &c. Ord. Forestz. 33 Edw. 1. The learned Somner in his Gloss. upon x Scriptores err'd in his Exposition of this Word. Bernadus non videt omnia.*

Placita apud Preston, 17 Ed. 3. coram Willielmo de Shareshull, Rogero de Hungerford, Henrico de Hungerford, Henrico de Hanbury, Simone de Pakeman, & Rogero de Hilary.

**J**ohannes de Radcliffe, Seneschallus libertatis de Penwortham attachiatus fuit ad respondendum Abbati de Evesham de placito, &c. *Johannes clamat unam Puturam in Prioratu de Penwortham, qui est quedam Cella Abbatie de Evesham, pro se & Ministris, equis & garrionibus suis, per unum diem & duas noctes, de tribus septimanis in tres septimanas, viz. de victualibus, ut in esculentis, & poculentis, ad usus Prioratus predicti, indebite.*

*Rog. de Wellesburne tenet medietatem unius hide terre in Tachebroke — & venit ad magnam precariam in Autumno cum omnibus messoribus suis ad Puturam Domini bis in die — E Codice quodam, nuncupato, The Black Book of Litchfield. See Bracenarius.*

Putura in some Authors signifies a Beam. *Comparavit etiam Puturam pulpiti in Ecclesia & gabuli in refectorio. Thorn, 1267.*

*Pyker alias Pykar, A Kind of Ship spoken of 31 E. 3. Stat. 2. cap. 2.*

*Pyrate. See Pirate.*

*Pyrewinkes. Johannes Masham & Thomas Bote de Bury die Lunæ proxime ante Festum Apostolorum Simonis & Jude, Anno Regni Henrici quarti post conquestum tertio, malitia & conspiratione inter eos inde prahabitis quendam Robertum Smyth de Bury — ceperunt infra predictam villam, & ipsi infra domum dicti Johannis Masham in ferro posuerunt — & cum cordis ligaverunt & super pollices ipsius Roberti quoddam instrumentum vocatum Pyrewinkes ita stricte & dure posuerunt quod sanguis exivit de digitis illius — Ex Cartular. Abbatie Sancti Edmundi. MS. E. 341.*

Q.

**Q**uadragesima Sunday Is the first Sunday in Lent, so called, because it is about the Fortieth Day before Easter: The Three preceding Sundays are, *Quinquagesima, Sexagesima, and Septuagesima*; all which see in their proper Places.

*Quadragesimalia, Denarii Quadragesimales.* In the former Days of Superstition, it was the Custom for People to visit their Mother-Church on Midlent-Sunday, and to make their Offerings at the high Altar; as the like Devotion was again observed in *Whitsun-week*. But as the Processions and Oblations at *Whitsuntide* were sometimes commuted into a rated Payment of Pentecostals, or *Whitsun-farthings*, so likewise the Lent Devotion was changed into a customary Rate called *Quadragesimalia*, and *Denarii Quadragesimales*, and sometimes *Latare Jerusalem*, because that Hymn was sung on Midlent-Sunday. It is farther observable, That the now remaining Practice of *Mothering*, or going to visit Parents upon Midlent-Sunday, is really owing to that good old Custom. Nay it seems to be called *Mothering* from the Respect so paid to the Mother-Church, when the Epistle for the Day was with some Allusion. *Galat. 4. 21. Jerusalem Mater omnium*; which Epistle for Midlent-Sunday we still retain, tho' we have forgot the Occasion of it.

*Quadrans, A Farthing, a fourth Part of a Penny.* Observe, That before the Reign of Ed. 1. the smallest Coin was a Sterling or Penny, marked with a Cross or Traverse Strokes, by the Guidance whereof a Penny upon Occasion might be cut in Halves for a Half-Penny, or into Quarters for Farthings, or fourth Parts: Till to avoid the Fraud of unequally cutting, King Ed. 1. coined Half-pence and Farthings in round distinct Pieces. See *Matth. Westminster* sub anno 1279.

*Quadrantata terræ* Is the fourth Part of an Acre. See *Denariata terra* and *Obolata*. Item *Fardel of Land*.

*Quadrarium, A Quarry or Stone-Pit — Concessi eisdem liberam viam ultra pasturam meam de quadrario suo usque ad predictam ripam ad stagnum dicti molendini emendandum. Paroch. Antiq. p. 208.* Hence the old Word a *Querrour*, or Digger of Stones. The Word was originally *Carrarium*, *Carraria*. Hence the Irish retain the primitive Word a *Carrie*, and the French an *Carrier*.

*Quadrælli, A Sort of Bullets used in great Guns for battering Walls: In Matth. Paris. p. 592. they are called Quarelli; they were short thick and square, and from thence they were called Quadrelli.*

*Nec tamen interea cessat balista vel arcus, Quadrellos hac multiplicat, pluit ille sagittas.*

*Quadrivium, The Center of Four Ways, or where Four Roads meet and cross each other. Hence Cairfax in Oxford. It is called the Wence, and Four Wence in Kent.*

*Quadrugata terræ, a Teem-Land: Quæ quatuor equis agitur. — Willielmus Prior de Tutetbur, & omnes Monachi ejusdem loci concesserunt Ormo de Acouere & heredibus suis unam Quadrugatam terræ quæ attinet ad Mar. de Malesfeld solam & quietam sicut tenuit in diebus Henr. de Ferr, &c. pro octo sol. redd. per*

*per ann. ad Festum S. Martini, &c. Sine dat. MS. Will. Dugdale Ar.*

**Quæ servitia** Is a Writ. See *Per qua servitia*.

**Quæ plura** Was a Writ that lay where an Inquisition had been made by an Escheator in any County, of such Lands or Tenements as any Man died seized of, and all that was in his Possession was imagined not to be found by the Office; the Form whereof see in *Reg. Orig. fol. 293.* and in *F. N. B. fol. 255.* It differs from the Writ called *Melius inquirendum*, according to the same *Fitzherbert*, because this is granted, where the Escheator formerly proceeded by Virtue of his Office; and the other, where he found the first Office by Virtue of the Writ named *Diem clausit extremum*. See the *New Book of Entries*, verbo *Quæ plura*. The Form see in *Reg. of Writs. fol. 293.* and in *Fitz. Nat. Br. f. 255.* This Writ is now made useless by taking away the Court of Wards and Offices *post mortem*. *Anno 12 Car. 2. c. 24.*

**Quæstia**, An Indulgence, or Remission of Penance, exposed to Sale by the Popes of Rome, who by this Craft had their great Gain; the Retailers of them were called *Quæstuarii*. — *Circa quæstuarios Prædicatores — habent Brevia quæ relinquunt in singulis Parochiis in quibus continentur tot indulgentiæ. — emant illas quæstias pro modico pretio — Opus Tripartitum apud Fascie. Rerum. Append. pag. 227. So Quæstionarii in Matth. Westminster sub anno 1240.*

**Querens non invenit nilegium** Is a Return made by the Sheriff upon a Writ directed to him, with this Condition inserted, *Si A. fecerit B. securum de clamore suo prosequendo.* *F. N. B. fol. 38.*

**Quæstionarii** Were those who carried Indulgences from Door to Door, desiring Charity either for themselves, or others. *Matth. Westm. Anno 1240.* tells us, that the King *terram suam per papales Quæstionarios depauperari, &c. permittit.*

**Quæstus** Is that which a Man hath by Purchase, as *hereditas* is what he hath by Descent: 'Tis so in *Glanville, lib. 7. cap. 1. Aut habet hereditatem tantum, vel quæstum tantum, aut hereditatem & quæstum.*

**Quale jus** Was a Writ judicial, that lay where a Man of Religion had Judgment to recover Land, before Execution was made of the Judgment; for this Writ did go forth to the Escheator, between Judgment and Execution, to inquire whether the religious Person had any Right to recover, or whether the Judgment was obtained by Collusion between the Demandant and the Tenant, to the Intent, that the true Lord were not defrauded. See *Westm. 2. cap. 32.* The Form of this Writ you have *Reg. Judic. fol. 8, 16, 17, & 46.* And in the *Old Nat. Brev. fol. 161.* See the *New Book of Entries*, verb. *Quale jus.*

**Quam diu se bene gesserit** Is a Clause often used in Letters Patent of the Grant of Offices, as in those to the *Barons of the Exchequer*, which must be intended only as to Matters concerning their Office; and is nothing but what the Law would have implied, if the Office had been granted for Life. *Co. 4 Inst. fol. 117.*

**Quantum meruit**, That is, How much he has deserved, Is an Action of the Case so called, grounded upon a Promise to pay a Man for do-

ing any Thing, so much as he should deserve or merit.

**Quarantine.** See *Quarentine*.

**Quare ejecit infra terminum** Is a Writ that lieth for a Lessee, where he is cast out of his Farm before his Term be expired, against the Feoffee or Lessor that ejected him: And it differs from the *Ejectione firme*, because this lies where the Lessor, after the Lease made, infeoffeth another, which ejecteth the Lessee: And the *Ejectione firme* lieth against any other Stranger that ejects him. But the Effect of both is all one, that is, to recover the Residue of the Term. *F. N. B. fol. 197. Reg. Orig. fol. 227.* and the *New Book of Entries*, verbo *Quare ejecit infra terminum*.

**Quare Impedit** Is a Writ that lies for him that hath purchased a Manor, with an Advowson thereto belonging, against him that disturbs him in the Right of his Advowson, by presenting a Clerk thereto when the Church is void: And it differs from the Writ called a *Darrein Presentment*, *Assisa ultimæ presentationis*, because that lies where a Man, or his Ancestors, formerly presented; and this for him that is the Purchaser himself. See the *Expositor of the Terms of the Law. Old Nat. Brev. fol. 27. Bract. lib. 4. tract. 2. cap. 6. Britton, c. 92. and F. N. B. f. 32. and Reg. Orig. f. 30.* And here note, That where a Man may have an Assise of *Darrein Presentment*, he may have a *Quare Impedit*, but not contrariwise. See the *New Book of Entries* on this Writ. *Bract. lib. 4. Tract. 2. c. 6. F. N. B. fol. 30. and Westm. 2. cap. 5.*

**Quare incumbat** Is a Writ that lieth against the Bishop, who, within six Months after the Vacation of a Benefice, conferreth it upon his Clerk, while Two others are contending in Law for the Right of presenting. And here note, This Writ always lies depending the Plea. *Old Nat. Brev. f. 30. F. N. B. g. 48. and Reg. Orig. f. 32.*

**Quare intrusit matrimonio non satisfacto** Is a Writ that lay for the Lord against his Tenant being his Ward, who after convenable Marriage offered him, marries another, and enters nevertheless upon his Land, without Agreement first made with his Lord and Guardian. But all Wardships being taken away by the Statute 12 Car. 2. cap. 24. this Writ is become useless.

**Quare non admittit** Is a Writ that lies against a Bishop, refusing to admit his Clerk that hath recovered in a Plea of *Advowson*. *F. N. B. f. 47. and Reg. Orig. f. 32.* See the *New Book of Entries*, verbo *Quare non admittit*.

**Quare non permittit** Is a Writ that lies for one that has Right to present for a Turn against the Proprietary. *Fleta, lib. 5. cap. 6.*

**Quarel, Querela, a querendo**, and extends not only to Actions personal, but also to mixt, and the Plaintiff in them is called *Querens*, and in the most of the Writs it is said *Queritur*; so that if a Man release all *Quarels*, (a Man's Deed being taken most strongly against himself) it is as beneficial as all Actions, for by it all Actions real and personal are released. *Co. lib. 8. fol. 153. and Co. on Lit. lib. 3. c. 8. sect. 511.*

**Quarentine, Quarentina**, Is a Benefit allowed by the Law of England to the Widow of a Man dying seized of Land, whereby she may challenge to continue in his capital Messuage, or chief

chief Mansion-house, (so it be not a Castle) by the Space of Forty Days after his Decease. *Bracton*, l. 2. c. 40. And if the Heir, or any other attempt to eject her, she may have the Writ *De quarentina habenda*. *F. N. B. f. 161. Maneat vidua in Capitali Messuagio mariti sui per quadraginta dies post obitum mariti sui, infra quos dies assignetur ei dos, nisi prius assignata fuerit, vel nisi domus illa sit castrium.* *Magna Charta*, c. 7. See *Britton*, c. 103. and *Fleta*, lib. 5. cap. 23. *Skene de verborum signific. verb.* *Quarentena viduarum*, derives this Word from the French *Quaresme*; who also have this Custom called *La quaresme des vesues*, granted to Widows after the Decease of their Husbands. *Quarentene* also signifies a Furlong, being a Quantity of Land containing Forty Perches, and so haply derived from the French *Quarente*, Forty. In a Charter of *Withlase*, King of the *Mercians*, mentioned by *Ingulphus*, we have these Words. — *Quatuor carucatas terre arabilis continentes in longitudine 8. quarentenas, & 8. quarentenas in latitudine.* *Quarentine* is also the Space of Forty Days, wherein any Person, coming from Foreign Parts, infected with the Plague, is not permitted to land, or come on Shore, until so many Days are expired.

*Quarentina habenda* Is a Writ that lies for a Widow to enjoy her *Quarentine*. *Reg. Orig. fol. 175.*

*Quare obstruit* Is a Writ that lies for him, who having a Liberty to pass through his Neighbour's Ground, cannot enjoy his Right, for that the Owner has so strengthened it. *Fleta*, lib. 4. c. 26. sect. *Item si minus.*

*Quarteria* and *Quatera*, a Quarry of Stone. — *Præterea dedi eis Turbariam, & Petrariam & Quareriam, ubicunque invenire poterint in territorio villa de Hepp, &c.* *Mon. Ang. Par. 2. fol. 595. b.* — *In toto illo bosco cum Querera in illo contenta, una cum quadam placea bosci, quæ vocatur, &c.* *Reg. Prior. de Wormesly, fol. 43.*

*Quartelois*, Surtoots or Upper-Garments, with Coats of Arms quartered on them, the old Habit of our English Knights, in their military Expeditions. — *Milites quidem super armatura cotucas induerunt vocatas quartelois: Armigeri vero indumenta bendas habuerunt.* *Tho. Walsingham in Ed. 2. p. 114.* See *Cotuca*.

*Quarter*, *Quarterium*, Eight Bushels striked make the Quarter of Corn. *Anno 15 Rich. 2. cap. 4.*

*Quarterisoz*, To be quartered, or cut into Four Quarters in Execution. — *Fecit decollari & membratim dividi, & quarterisari, & caput & ejus quarterias ad regni certas civitates transmitti jussit.* *Artic. Richardi Scrope Archiep. Ebor. apud. Angl. Sac. P. 2. p. 266.*

*Quarterium* Is a Measure of Corn, consisting of Eight Bushels. *Fleta*, lib. 2. c. 12. *Quarterium frumenti constat ex octo Bussellis.*

*Quarterium Anni* Is the fourth Part of a Year. *Matt. Westm. Anno 1259. Decimas de Ringeldon, &c. sequestravit, & per unum fere Quarterium Anni intactas retinuit.*

*Quarterizatio* Is Part of the Punishment of a Traitor, by dividing his Body into Four Parts. *Walsingham in R. 2. Auditum & confessum turpissima scelera, tractioni, suspendio, decollationi, exenterationi & quarterizationi, ut usu vulgari loquar, adjudicavit.*

*Quarter-Sessions* Is a Court held by the Justices of Peace in every County once every

*Quarter* of a Year. How far the Jurisdiction thereof extendeth, see *Lamb. Eiren. lib. 4.* and *Smith de Repub. Anglor. lib. 2. cap. 19.* To which you may add the several Statutes of this Realm, by which its Power is greatly increased: Originally it seems to have been erected only for Matters touching the Peace, but now it extends much farther. The holding these Sessions quarterly, was first ordained by the Statute 25 *Ed. 3. Stat. 1. c. 8.*

*Quartilatius* Is a Word used in Heraldry, and signifies quartering of Arms, or dividing them into Four Parts. *Knighton, Anno 1347. Vexilla Regis Angliæ quartilata de armis Angliæ & Franciæ elevantes.*

*Quall*, *Quassare*, Cometh of the French Word *Quasser*, id est, *casum facere*, to overthrow or annul. *Bracton*, l. 5. tract. 2. c. 3. nu. 4. *As if the Bailiff of a Liberty return any out of his Franchise, the Array shall be quashed.* And *Co. on Lit. fol. 156.* *An Array returned by one that hath no Franchise shall be quashed.*

*Quasi modo Sunday*, *Low Sunday*, or the next after *Easter*, anciently so called from the first Words of the Introit or Hymn for Mass on that Day. It occurs often in the Date of old Records. — *Carta Gilberti Prioris de Eynsham Priori de Sherburn dat. postridie Festi Quasi modo geniti, Anno 1255.* This solemn Time in some Deeds was expressed by the initial Letters, *Q. M. S.*

*Quaternio*, *Quaternus*, A Book, or Volume, properly in *Quarto*, or with each Sheet folded into Four Leaves. — *Anselmus præcepit quaternus quaterniones in quibus ipsum opus conjeceram, destrue penitus rem — notatis verbis ejus quaterniones ipsos destruxi, iis quibus scripti erant aliis quaternionibus primo inscriptis.* *Eadmeri Liber de vita Anselmi apud Whartoni Angl. Sac. P. 2. pag. 182.* — *Cum Evangelio Johannis manibus propriis scribendo operam daret. — ad Ecclesiam nec clauso quaterno nec folio completo festinavit.* *Girald. Cambren. ibid. pag. 635.*

*Plurima hic præful patravit signa stupendus,  
Quæ nunc in chartis scribuntur rite quadratis.*

So in *Petrus Blesensis Epist. 19. Quinque bujus nostri operis quaternos mitto.*

*Quaterymes of Wines*: *Fr. Quatriesme*, a fourth Part, it being a Tax of the fourth Penny for all Wines retailed.

*Queerboard*, *Anno 17 E. 4. c. 2.* A kind of Game prohibited by the same Statute. Perchance the fame with that we now call *Shovel-board*: And it may be *Queerborde* quasi *Quickbord*, because the Pieces wherewith they play run upon the Table with great Celerity.

*Queen*, (*Regina*) Is either she that holds the Crown of this Realm by Right of Blood, or she that is married to the King, which last is called *Queen Consort*. In the former Signification, she is in all Construction the same that the King is, and has the same Power in all Respects: In the later she is Inferior, and a Person exempt from the King; for she may sue, and be sued in her own Name: Yet what she hath is the King's, and what she loseth the King loseth. *Staundf. Prærog. cap. 2. fol. 10.* and *Coke, lib. 4. Copyhold Cases, fol. 23. b.* The Word is derived from the Saxon *Cwen*, i. e. *uxor*, or the Wife of any one, but propter excellentiam the Wife of the King only, and therefore she was anciently called the King's Queen;

*Queen*; for the *West-Saxons* had no other Name for a *Queen* than the King's Wife. *Affer de Ælfredi rebus, &c. pag. 3. Matt. Westm. Anno 854.*

She was also called Lady from the Sax. *Hlafdia*, as may be seen in several Saxon Charters, and particularly in Two of *Queen. Edyth*, which are now in the Church of *Wells*, viz. *Edyth*, the Lady to great Earl *Harold* my Brother; and in *Huntingdon, Lib. 5. Edelfeda Merice Domina Rex vocatur, ad laudem & excellentiam mirificationis sue.*

*O Elfreda potens, O terror virgo virorum,  
Vilrix nature, nomine digna viri.*

*Queen-Gold, (Aurum Reginae)* Is a Royal Duty or Revenue belonging to every *Queen-Consort*, during her Marriage to the King of *England*, both by Law, Custom and Prescription, payable by sundry Persons in *England* and *Ireland*, (upon divers Grants of the King) by way of Fine or Oblation, amounting to Ten Marks or upwards; to wit one full tenth Part above the entire *Fine*, as Ten Pounds for every Hundred Pounds *Fine*, upon Pardons, Contracts or Agreements; which becomes a real Debt and Duty to the *Queen*, by the Name of *Aurum Reginae*, upon the Party's bare Agreement with the King for his *Fine*, and recording it, without any Promise or Contract for this tenth Part exceeding it. *Lib. Nig. Scac. pag. 43, 44. Coke's 12 Rep. fol. 21, 22. and Pryn's Tractate on this Subject, per tot.*

*Que Estate*, Translated *verbatim*, signifies *Quem statum*: In our common Law it is a Plea, whereby a Man intitling another to Land, &c. saith, That the same *Estate* he had, he hath from him: For Example, in a *Quare Impedit*, the Plaintiff alledges, That such Four Persons were seized of Lands whereunto the Advowson in Question was appendant in Fee, and did present to the Church, and afterward the Church became void *que estate del, &c.* that is, *which Estate* of the Four Persons he has now during the Vacation, by Virtue whereof he presented, &c. Bro. Tit. *Que Estate*, f. 175, 176. *New Book of Entries. verb. Que Estate*, and Co. on *Lit. fol. 121.*

*Que est mesme* Signifies *Verbatim*, *Which is the same Thing*, but is used in a legal Sense as a Word of Art in an Action of Trespass, or such like, for a positive Justification of the very Act complained of by the Plaintiff as a Wrong. For Example, in an Action upon the Case, the Plaintiff says, That the Lord threatned his Tenants at Will in such sort, that he forced them to give up their Tenures. The Lord for his Defence pleaderth, That he said unto them, That if they would not depart, he would sue them at Law: This being the same threatning that he used, or to speak artificially, *que est le mesme*, the Defence is good. Of this, see *Kitchin, cap. Que est le mesme*, fol. 236.

*Quem redditum reddat* Is a Writ Judicial, that lies for him to whom a Rent-seck or Rent-charge is granted, by *Fine* levied in the King's Court against the Tenant of the Land that refuseth to attorn to him, thereby to cause to attorn. *Old Nat. Brev. fol. 126. West Symbol. part 2. Tit. Fines, sect. 156. and the New Book of Entries, verb. Quem redditum reddit.*

*Querela*, An Action preferred in any Court of Justice, in which the Plaintiff was *Querens* or

Complainant, and his Brief, Complaint or Declaration, was *Querela*, whence our *Quarrel* against any Person. *Quietas esse a querelis* was to be exempted from the customary Fees paid to the King or Lord of a Court, for the Purchase of Liberty to prefer such an Action. But more usually to be exempted from Fines and Amercements, imposed for common Trespasses and Defaults. So King Henry 2. to Bernard de S. Walery — *terra sua sint quieta de omnibus placitis & querelis exceptis muredo & latrocinio. Paroch. Antiquit. pag. 123. See Mr. Kennet's Glossary.*

*Querela fressæ fortis* Is a Writ of fresh Force. See fresh Force.

*Querela coram Rege & concilio* discutienda & terminanda, Is a Writ whereby one is called to justify a Complaint of a Trespass made to the King himself, before the King and his Council. *Reg. Orig. f. 124.*

*Quertita, Chorista*, a Chorister, *Querister*, or Boy that sings in the Quire. — *In secundo vero gradu subius stent Vicarii, Diaconi — item in tertia forma pueros & queristas precipimus collocari. — Pryn Collect. Tom. 3. p. 327.*

*Questia*, A *Quest*, or Inquest, Inquisition or Enquiry upon the Oaths of an impanelled Jury. — *Nec regnaverunt in diebus suis Perjuratores in questis & assis sicut nunc. Joh. Capgrave de vita Hen. Spenser Episc. Norwic. apud Angl. Sacr. P. 2. pag. 360.*

*Questus*, Or rather *Quæstus*, A *quæro*, to seek or get, is taken for that Land which does not descend to us by Hereditary Right, but is gained by our own Labour and Industry; this we call *Purchased Lands*. In *Lib. Ranus sub Stephano Rege conscript. sect. 140. sub Tit. Quæstus Ædnothi qui floruit tempore Reg. Æthelredi*, We read thus, *Erant illis diebus quidam Ælstanus habens duas bidas apud Stapleford, quas frater Ædnothus numeratis eidem centum solidis argenti, reliquis questibus suis in possessionem Ecclesie Remensis adjunxit. Glanville, lib. 7. cap. 1. speaking of Lands, saith, Aut habet hereditatem tantum, aut questum tantum, aut hereditatem & questum.*

*Quæstus est nobis* Is the Form of a Writ of Nuisance, which by the Statute 13 E. 1. cap. 24. lies against him to whom the House, or other Thing that breeds the Nuisance, is alienated, whereas before the Statute, this Action lay only against him that first levied the Thing to the Annoyance of his Neighbour. See the said Statute.

*Quia improvide* Seems to be a *Superfedeas* granted in the Behalf of a Clerk of the Chancery, sued against the Privilege of that Court in the Common Pleas, and pursued to the Exigent, or in many other Cases where a Writ is erroneously sued. See *Dyer, f. 33. n. 18.*

*Quid iuris clamat* Is a Writ Judicial, issuing out of the Record of the *Fine*, which remaineth with the *Custos brevium* of the Common Pleas, before it be engrossed; and it lies for the Grantee of a Reversion or Remainder, when the particular Tenant will not attorn. *West Symbol. part 2. Tit. Fines, sect. 118. Reg. Judic. 36, 57. and the New Book of Entries on this Writ.*

*Quid pro quo* Signifies *verbatim*, what for what, and is an artificial Speech, signifying as much as the Greek *συμβαλλεμα* among the Civilians, which is a reciprocal Performance of both Parties to a Contract; and thereupon the giving of one Thing of a Value, for another Thing of like



like Value, as 10 li. for a Horse, &c. *Kitchin, fol. 184.*

**Quietantia** *Assisarum super Assisam.*—Per hac verba Johannes Stanley clamat quod ipse & tenentes & residentes sui non ponantur in Assis, Furat. nec magnis Assis. Plac. in Itin. apud Cestr. 14 H. 7.

**Quietantia** *sectæ, Hundredi & Wichmote.*—Per hac verba Johannes Stanley Arm. clamat quod ipse & tenentes sui non teneantur venire ad curiam istam. Plac. ubi supra. See *Acquietantia*.

**Quietantia, Acquietantia, A Quittance, Acquittance, or testimonial of Receipt.**

**Quietare, To quit, acquit, or discharge, or save harmless.** The common Form in old Deeds of Donation or other Conveyance. —De prædictis Nos & heredes Nostri quietabimus dictos, &c.

**Quiete clamare, To quit claim, or renounce all Pretension of Right and Title.** *Quieta clamatio, Such Quir-claim or Act of Renunciation. De una virgata terra in Mixebury* —Richardus & Aldreda remisierunt & quiete clamaverunt de se & heredibus Aldreda prædicto Abbati (de Osenei) & Successoribus suis —pro hac autem remissione quiete clamatione & concordia idem Abbas dedit —xxx fol. —Paroch. Antiq. p. 220.

**Quietus, Quiet, freed, acquitted, Is a Word used by the Clerk of the Pipe, and Auditors in the Exchequer, in their Acquittances or Discharges given to Accountants; usually concluding with an abinde recessit quietus, which is called a Quietus est, and mentioned in the Act Of General Pardon. 12 Car. 2. 11. and 14 Car. 2. cap. 21. A Quietus est granted to the Sheriff, shall discharge him of all Accounts due to the King. 21 Jac. cap. 5.**

**Quietus redditus A Rent-quit, or small Acknowledgment paid in Money, so called because such Payment did acquit the Tenant from all other Service or Duties to the Lord. It was sometime called White-Rent, because paid in Silver, or ready Money. See Quit-Rent.**

**Quinquagesima Sunday** Is that we call Shrove-Sunday, and was so named, because it is about the Fiftieth Day before Easter. The Reason of the Name you may find in *Durandi rationali Divinorum, capit. de quinquagesima*; and we mention it here, because they are frequently spoken of in our ancient Law Writers, as Britton, 33. and divers others.

**Quinque Portus, The Cinque Ports; which are, 1. Hastings, 2. Romney, 3. Hythe, 4. Dover, and 5. Sandwich.** To the first, Winchelsea and Rye belong, which are reckoned as Part, or Members of the Cinque Ports. —*Servitium quod Barones Quinque Portuum præscriptorum recognoscunt facere ad summonitionem Regis per Annum, si contigerit per 15 dies ad custum eorum proprium; ita quod primus dies computatur a die quo vela navium exerunt, usque partes ad quas tendere debent, vel ulterius quamdiu Rex voluerit ad custum ejus.* See Cinque Ports.

Camden tells us, that Kent is accounted the Key of England, and that William the Conqueror was the first who made a Constable of Dover Castle, and a Warden of the Cinque Ports, which he did to bring that County under a stricter Subjection to his Government; but King John was the first who granted the Privileges to those Ports, which they still enjoy: However, it was upon Condition that they should provide Eighty Ships

at their own Charge for Forty Days, as often as the King should have Occasion for them in the Wars, he being then under a Necessity of having a Navy for passing into Normandy to recover that Dukedom which he had lost. And Thorn tells us how many Ships each Port was to provide, viz.

*Hastings Twenty-one, and in each Ship Twenty-one Men, cum sarcone ad quem pertinent tanquam membra unus vicus in Seford, Pevensey, Hedney, Winchelsea, Rye, Hamne, Wakesborn, Creneth and Forthelipe.*

*Romney, Five Ships with Cordage, and in each Ship Twenty-four Seamen, ad quem pertinent, Bromhal, Lyde of Marstone, Dungenures, & vicus Romenhale.*

*Hythe Five Ships, and in each Twenty-one Seamen, ad quem pertinet Westmethe.*

*Dover the like Number as Hastings, ad quem pertinet Folkston, Feversham, Margate.*

*Sandwich the like Number with Hythe, ad quem pertinet Fordewice, Reuluer, Serve, Dale.* See a Catalogue of the Lord Wardens of the Cinque Ports at the End of Mr. Somner's *Treatise of the Roman Ports and Forts in Kent*, 8vo, Oxford 1693. in which Discourse there are many Authorities and Observations relating to the Antiquities and Customs of the Cinque Ports.

**Quinquinalisme** signifies a Tenth of all Goods for Five Years successively.

**Quinzieme or Quinzime, (Decima Quinta)** is a French Word, signifying a Fifteenth; with us it is a Tax, so called, because it is raised after the Fifteenth Part of Mens Lands or Goods. Anno 10 R. 2. c. 1. and 7 H. 7. c. 5. See *Fifteenth and Tax*. It is well known by the Exchequer Roll, what every Town throughout England is to pay for a Fifteenth. Sometimes this Word *Quinzieme* or *Quinzime*, is used for the Fifteenth Day after any Feast, as the *Quinzime* of St. John Baptist. Anno 13 E. 1. in the Preamble. See *Fifteenth*. It is a Mistake that this was a Tax of the Fifteenth Part of all Lands, for it was of the Goods only, and it was first granted by the Parliament, 18 Ed. 1. viz. *Compotus quinta decima Regi, Anno 18. per Archiepiscopos, Episcopos, Abbates, Priores, Comites, Barones & omnes alios de regno, de omnibus bonis suis nobilibus concessa*: The City of London paid this Year for the Fifteenth. 2860l. 13s. 8d. and the Abbot of St. Edmonds 666 l. 13s. 4d. which was by Composition, and thereupon had all his temporal Goods, and the Goods of his Convent discharged of the Fifteenth: The way of Collecting it was, by Two Assessors appointed in every County by the King, and they appointed Twelve in every Hundred, who made a true Valuation of every Man's personal Estate, and then caused the Fifteenth Part to be levied.

**Quinta, i. e. a Mile:** Sometimes 'tis called *Quintum milliare*; *Civitatem Cenomanensem possideat cum tota quinta libere & pacifice.* Pryn, in Lib. Ecclesiæ Angliæ. 3 Tom. p. 35.

**Quintal, Quintallus, A Weight of Lead, Iron, and common Metals, usually one Hundred Pounds, at Six-score per Cent.** —*Unus quintallus ferri vel aceri qui continet ix petras & dimid. lib. valet ix s. & sic valet qualibet petra xii den. qualibet libra i. den.* —Regulæ Compoti domus de Farendon. MS.

**Quintane, Quintana, French Quintayne & Besant, a Kind of Exercise that young Men did, and still do use in some Places of this Nation, to**

try the Agility of the Country Youth. *Spelman* in his *Glossary* describes it thus from his own Observation, — *Ejus forma (ut semel aliquando puerulus vidi) hac est, Erecta trahi pertica incumbit versatilis uno sine peram dimittens arena gravidam; altero tabulam affixam, qua dum a currenti equite sortius hasta impellitur, pera violentius circumacta, impellentis collum (ni citacius evaserit) fortiter verberat.* But what it was anciently, *Mat. Paris.* in Hen. 3. sub initio, Anno 1253. thus delivers, *Eo tempore juvenes Lond. statuto pavone pro Bravio ad stadium, quod quintana vulgariter dicitur, vires proprias & eorum cursus sunt experti.* It was at first a Roman military Sport, and is still retained and most practised in those Parts of England which lay adjacent to the Roman Garrisons and Ways. See a large Account of this customary Sport in Mr. *Kennet's* Paroch. Antiquit. p. 18.

**Quint Crat, Quinto Exactus,** 31 Eliz. cap. 3. Is the last Call of a Defendant, who is sued to the Outlawry, where, if he appear not, he is by the Judgment of the Coroners returned Outlawed; if a Woman, *waved.* See *Exigent.*

**Quinzime.** See *Quinsieme.*

**Quistron, i. e.** a Beggar; from the French *Questeur*, and that from the Lat. *Querere.*

**Quite-Claim, Quieta clamantia,** Is a Release or Acquitting of a Man, for any Action that he hath, or might, or may have against him. Also a Quitting of one's Claim or Title. *Brañon, lib. 5. tract. 5. cap. 9. num. 6. lib. 4. tract. 6. cap. 13. num. 1.*

**Quit-Rent, Quietus redditus,** Is a certain small Rent, payable yearly by the Tenants of most Manors; upon the Payment whereof they are quit and free, till it becomes due again: This in some ancient Records, according to *Spelman*, is written *White-Rent*, because paid in Silver. Hither may be referred what we find in *Lambard's Itinerary*, pag. 212. concerning the Tenants of *Christ-Church* in *Canterbury*, dwelling without the Weald.

De redditu 7s. 6d.  
De viginti ovis 0s. 1d.  
De Gallinis } 0s. 16d.  
& Benerib }

The Sum of the whole *Quit-Rent* is — 8s. 11d.

**Quod Clerici beneficiati de Cancellaria** Is a Writ to exempt a Clerk of the Chancery from the Contribution towards the Profors of the Clergy in Parliament. *Reg. Orig. f. 261.*

**Quod Clerici non eligantur in Officio Ballivi, &c.** Is a Writ that lies for a Clerk, which, by reason of some Land he hath, is made, or in doubt to be made *Bailiff, Beadle, Reeve*, or some such like Officer. See *Clerico infra sacros, &c.* *Reg. Orig. fol. 187. and F. N. B. fol. 261.*

**Quod ei Desorceat** Is a Writ that lies for the Tenant in Tail, Tenant in Dower, or Tenant for Term of Life, having lost by Default, against him that recovered, or against his Heir. See *Broke, loc Tit. Reg. Orig. f. 171. and the New Book of Entries, verb. Quod ei Desorceat.*

**Quod non permittat.** See *Consuetudinibus & Servitiis.*

**Quod permittat** Is a Writ that lies for the Heir of him that is disseised of his Common of Pasture against the Heir of the Disseisor being dead. *Termes de lay Ley, 526. Britton, cap. 8.* says That this Writ lies for him, whose Ancestor

died seised of Common of Pasture, or other like Thing annexed to his Inheritance, against the Desorceor. See *Bro. hoc titulo, Reg. Orig. fol. 155.* and the *New Book of Entries, verb. Quod permittat.*

**Quod Persona nec Prebendarii, &c.** Is a Writ that lies for spiritual Persons that are distrained in their spiritual Possessions, for the Payment of a Fifteenth with the rest of the Parish. *F. N. B. fol. 176.*

**Quo Jure** Is a Writ that lies for him that has Land, wherein another challengeth Common of Pasture Time out of Mind: And it is to compel him to shew by what Title he challenges it. *F. N. B. fol. 128. and Britton more largely, c. 59. Reg. Orig. fol. 156. and the New Book of Entries, verbo Quo jure.*

**Quo minus** Is a Writ that lies for him that hath a Grant of *Houfe-bote* and *Hay-bote* in another Man's Woods, against the Grantor, making such Waste as the Grantee cannot enjoy his Grant. *Old Nat. Brev. fol. 148. and Kitchin, fol. 178.* This Writ also lies for the King's Farmer in the Exchequer, against him to whom he selleth any Thing by way of Bargain touching his Farm, or against whom he hath any Cause of personal Action. *Perkin's Grants, 5.* For he supposeth by the Vendee's detaining any Due from him, he is made less able to pay the King's Rent. And under this Pretence, any one who pays the King a Fee-Farm Rent, may have this Writ against any other Person for any Debt or Damage, and bring the Cause to Trial in the Exchequer.

**Quorum** Is a Word often mentioned in our Statutes, and much used in Commissions both of Justices of the Peace, and others, and so called from the Words in the Commission, *Quorum A. B. unum esse volumus:* As for Example, Where a Commission is directed to Seven Persons, or to any Three of them, *Whereof A. B. and C. D. to be Two*, there *A. B. and C. D.* are said to be of the *Quorum*, because the rest cannot proceed without them; so a *Justice of the Peace and Quorum*, is one without whom the rest of the Justices in some Cases cannot proceed. *Anno 3 H. 7. cap. 3. and 32 H. 8. cap. 43.*

**Quorum nomina.** In the Reign of H. 6. the King's Collectors and other Accountants were much troubled in passing their Accounts, by new extorted Fees, and forced to procure a late invented Writ of *Quorum nomina*, for Allowance of the Barons of the *Cinque Ports*, and their suing out their *Quietus* at their own Charge, without Allowance from the King. *Chron. Anglia.*

**Quo Warranto** Is a Writ that lies against him that usurps any Franchise or Liberty against the King, as to have *Waif, Stray, Fair, Market, Court-Baron, Leet*, or such like, without good Title. *Old Nat. Brev. f. 149.* Or else against him that intrudeth himself as Heir into Land. *Brañon, lib. 4. tract. 1. cap. 2. num. 3. Bro. hoc Tit. 18 E. 1. Stat. 2 & 3. & Anno 30. ejusdem.* And the *New Book of Entries, verb. Quo Warranto.*

**Quota,** A Tax or Imposition to be levied in equal Manner. — *Et quod nulla impositiones, contributiones, taxa, quotæ, tallagia vel auxilia ipsi tanquam alienigenis aliquo modo imponantur.* — *Carta R. 2. in Mon. Angl. Tom. pag. 538.*

**Quype** Was anciently used for a living or quick Beast, as appears by the Will of *John Bracebridge* of *Kinnersbury* Esq; dated 7 H. 8. wherein

it is appointed, *That his best Quyeke should be taken in the Name of his Mortuary.*

The Quire of a Boar Is the Hounds Fee, but what Part it is we are unsatisfied: but if we may guess, we think it may denote the Heart. And then doubtless a Word corrupted from the French *Coeur*. Skynner's Etymologicum Ling. Angl.

## R.

**R** Is called *Litera canina*, the Dog's Letter; because it has a jarring Sound, such as Dogs use when they snarl; and Pomponius writes, That it was first invented by App. Claudius, in L. 2. de Orig. Jur. See Vocab. utriusque juris.

*Racha*. Ut etiam Caudas racharum vestibus ejus affigerent, read *vaccarum*. Malmesbury, lib. 2.

*Rachet*, *Rachetum*, or (as Skene) *Rachatum*, Derived from the French *Rachater* or *Racheter*, *redimere*; it is the same Thing with *Theftboote*, which is the Compensation or Redemption of a Thief. *Rachetum est thefbute vel redemptio capta pro venditione furum, latronum vel aliorum malefactorum*. Skene de verb. signif. verb. *Rachetum*.

*Rachumburgi*, i. e. Judges. Leg. Canuti, cap. 103.

*Rack*, *Fidicula*, So called, because Persons are there tortured *ut fides inveniat*. An Engine in the Tower with Cords and Strings to extort Confession from Delinquents: John Holland Earl of Huntingdon was by King Henry the Sixth created Duke of Exeter, and made Constable of the Tower: He and William de la Poole Duke of Suffolk, and others, intended to have brought in the Civil Laws; for a Beginning whereof, the Duke of Exeter first brought into the Tower the Rack or Brake, allowed in many Cases by the Civil Law; and thereupon it was called *The Duke of Exeter's Daughter*. 3 Inst. 35.

*Rackevintage*. Anno 32 Hen. 8. 14. Is a second Vintage, or Voyage, for Wines by our Merchants into France, &c. for racked Wines, cleansed and drawn from the Lees: From this Voyage our Merchants commonly return about the End of December, or beginning of January.

*Rackell*, i. e. Hasty; from the Sax. *Recene*, cito.

*Radechenistres*, In *Domesday Book*, Interpretatur pro liberis hominibus, as fol. 18. Tit. Glouc. Berchelay — Hii Radechenistr. arabant & hircabant ad Curiam Domini, & ibidem Tit. Derhurst, De terra hujus Manerii tenebant Radechenistres, i. liberi homines, forte (saith Spelman) sit idem quod Bractano Radenights. The same also were called *Sokemans*, and *Sochemanni*. See Co. on Lit. sess. 117. verb. *Socagium*, pag. 86.

*Radeboze*, i. e. Tapestry, such as is usually hanged in a Senate-House: From the Sax. *Rad*, consilium, and *Fore*, ante.

*Radgoude*: 'Tis a Disease which oppresses one suddenly: From the Sax. *Rath*, cito.

*Radiu* Is mentioned in *Fleta*, lib. 2. cap. 73. par. 12. and it signifies a Furrow.

*Rad-Knights*. See *Rod-Knights*.

*Radman*. *Domesday*, Tit. Herefscire, 15. *Bordar*. *Præpositus* & *unus Radman*, &c. It seems to be the same with *Rodeknight*, unless peradventure it be derived from *Read* Counsel, and so *Radmans* signifies Counsellors.

*Radnoz*. See *Magi*.

*Raffinage*, i. e. A Refining.

*Ragaleia terræ*, i. e. A single Furrow of Land ploughed in a strait Line.

*Rageman* Is a Statute so called of Justices, assigned by Edward the First, and his Counsel, to go a Circuit through all England, and to hear and determine all Complaints of Injuries done within Five Years next before Michaelmas, in the Fourth Year of his Reign.

*Raglozia* Is a Word mentioned in the Charter of Edward the Third, whereby he made his Eldest Son Edward Prince of Wales in Parliament at Westminster the Seventeenth Year of his Reign, recited by Selden in his *Titles of Honour*, pag. 597.

— Cum Forestis, Parcis, Chafeis, Boscis, Warremis, Hundredis, Comotis, Ragloriis, Ringeldis, Wodewardis, Constabulariis, Ballivis, &c. Davis in his Dictionary says, That *Rhaglaw* among the Welsh signifies *Seneschallus*, *Surrogatus*, *Præpositus*.

*Raglozius*, i. e. A Steward. Selden, Tit. of Honour, f. 597. Cum hundredis, commotis, ragloriis, Ringeldis, &c.

*Ragman's Roll*, (restius *Ragimund's Roll*), so called from one *Ragimund*, a Legat in Scotland, who, calling before him all the benefited Persons in that Kingdom, caused them, upon Oath, to give in the true Value of their Benefices, according to which they were after taxed in the Court of Rome. This Roll, among other Records, being taken from the Scots by our King Edward the First, was re-delivered to them in the Beginning of Edward the Third's Time. *Ragemans* and *Blanks* to be burnt. Cott. Records, fol. 364. Sir Richard Baker in his Chronicle, f. 127. saith, That Edward the Third surrendered, by his Charter, all his Title of Sovereignty to the Kingdom of Scotland, restored divers Deeds and Instruments of their former Homages and Fealties, with the famous Evidence called *Ragman's Roll*.

*Rainhundt*. In the Constitutions of King Canutus, touching the Forest, Art. 30. 'tis said, Item de canibus quod Rainhundt vocant, a Dog which will watch in the Rain. Du Fresne in Verbo canis.

*Ramilia*, Lopping and Topping, or the Branches, Boughs, or Heads of Trees cut off or blown down. — Poterunt etiam colpare & habere ramiliam, & omnia genera arborum quæ in eodem manerio fuerant. Continuat. Hiflor. Croiland, pag. 473. *Ramalia*, Broken Boughs. Cum autem in boscis nostris aliqua succiderimus, licebit eis sine aliquo ferramento vel aliquo usilio succibili intrare, & *Ramalia* quæ de Wyveda remanserint, quæ Anglice *Sprend* dicuntur, colligere. — Conventio inter Priorem & Convent. Cant. & Homines suos de Chertbam, anno 1166. Reg. Eccl. Christi Cantuar. MS. penes Rev. Johannem Episc. Norwic. Et de bosco meo concessi 10 Carucatas de Ramilio. Monast. 1 Tom. p. 800.

*Ran*, Is a Saxon Word, and signifies *aperta rapina*, open or publick Theft. Lamb. Archæi. fol. 125. defines it thus, *Ran dicitur aperta rapina, quæ negari non potest*. In the Saxon Laws of King Canute cap. 58. — Si in profectione militari Ran commiserit, pro facti ratione emendato. Hoveden in the latter Part of Hen. 2. speaking of some Things, which William the Conqueror mended in the Laws of England, saith, *Decretum est etiam ibi, ut si Francigena appellaverit Anglicum de perjurio aut murthero, furto, homicidio, Ran quod dicunt apertam rapinam quæ negari non potest, Anglicus se defendet, per quod melius voluerit, aut judicio ferri aut duello*. So we

still

still say, when a Man takes away the Goods of another by Violence, he hath taken all he could *Rap and Ran*. *Rap*, from *rapio*, to snatch.

*Range*, From the French *Ranger*, to order, dispose of. It is used in the *Forest Laws* both as a Verb, as to *Range*; and a Substantive, as to make *Range*, *Charta de Foresta*, cap. 6. To *Range* also signifies to wander and stray about.

*Ranger* Is a sworn Officer of the Forest, of which there are Twelve, *Id.* cap. 7. whose Authority is in Part described by his Oath set down by *Manwood*, part 1. pag. 50. but more particularly part 2. cap. 20. num. 15, 16, 17. His Office chiefly consists in Three Points, To walk daily through his Charge, to see, hear and inquire, as well of Trespassers as Trespassers in his Bailiwick; To drive the Beasts of the Forest both of Venery and Chace out of the deafforested into the forested Lands: And to present all Trespassers of the Forest at the next Court holden for the Forest. This *Ranger* is made by the King's Letters Patent, and hath a Fee of Twenty or Thirty Pounds paid yearly out of the Exchequer, and certain Fee-Deer. *Rangeator Foresta de Whittlewood*. Pat. 14 R. 2. m. 3.

*Ransom*, *Redemptio*, Is derived of the French *Rancon* or *Rencon*, *redemptio* signifies properly the Sum that is paid for the Redeeming one that is taken Prisoner in War: But it is used also for a Sum of Money paid for the Pardoning some great Offence, as in the Statutes of 1 H. 4. cap. 7. 11 H. 6. 11. and 23 H. 8. cap. 3. where *Fine* and *Ransom* are joined together: But here note, That when one is to make a *Fine* and *Ransom*, the *Ransom* shall be treble to the *Fine*. *Crompt. Just. of Peace*, fol. 142. and *Lamb. Eiren.* lib. 4. cap. 16. pag. 556. *Horne* in his *Mirror of Justice* makes this Difference between *Amerciament* and *Ransom*, that *Ransom* is the Redemption of a corporal Punishment due by Law to any Offence. *Lib. 3. cap. De Amerciament taxable*. See *Co. on Litt.* fol. 127.

*Rape*, *Rapa* and *Rapus*, Is a Part of a County, being in a Manner the same with a Hundred, and sometimes contains in it more Hundreds than one. As all *Sussex* is divided into six *Rapes* only, viz. Of *Chichester*, *Arundel*, *Brember*, *Lewes*, *Poovesey* and *Hastings*; every of which, besides their Hundreds, hath a Castle, River and Forest belonging to it. *Cambd. Brit.* pag. 225, and 229. These, in other Countries, are called *Hundreds*, *Tyttings*, *Lathes* and *Wapentakes*. *Smith de Rep. Angl.* lib. 2. cap. 16.

*Rape*, *Raptus*, Is a Felony committed by a Man, in the violent deflouring of a Woman against her Will, be she old or young. *Britton*, cap. 1. *West. Symbol.* part 2. Tit. Indictments, sect. 54. hath these Words, Copulation violent is termed a *Rape* or *Ravishment* of the Body of a Woman against her Will, which is carnal Knowledge had of a Woman, who never consented thereunto before the Fact or after. And this in *Scotland* ought to be complained of the same Day or Night that the Crime is committed. *Skene de verbor. signif.* verb. *Raptus*, and his Reason is, quia lapsu diei hoc crimen praescribitur. *Co. on Lit.* lib. 2. cap. 11. sect. 190. says, If the Woman conceive, it is no *Rape*; for she cannot conceive, unless she consent. This Offence is Felony both in the Principal and his Aiders. 13 R. 2. stat. 2. cap. 1. 11 H. 4. cap. 13. 1 E. 4. cap. 1. and *Westm.* 2. cap. 13. and shall not be allowed the Benefit of

Clergy. 18 Eliz. cap. 7. And *Fleta* says, The Complaint must be made within Forty Days, or else the Woman may not be heard, *lib. 3. cap. 5. sect. Præterea*. And carnal Knowledge of a Woman under Ten Years old is Felony. 8 Eliz. 6. Of the Diversity of *Rapes*, see *Crompt. Justice of Peace*, fol. 43, 44. The Offender is called *Raptor*, a Ravisher, and in *Bracton's* Time was punished with the Loss of his Eyes and Stones, *Quæ calorem stupri induxerunt*, 3 Inst. fol. 60. See *Ravishment*. The Civil Law useth *Raptus* in the same Signification, And *rapere virginem vel mulierem est ei vim inferre & violare*. See *Dyer, Term. Mich.* 13 & 14 Eliz. pag. 304.

*Rape of the Forest*, *Raptus Foresta*, Is reckoned among those Crimes, whose Cognizance belongs only to the King. *Violentus concubitus*, *Raptus Forestæ, revelationes baronum suorum*, &c. *Leg. Hen. 1. cap. 10.* Trespass committed in the Forest by Violence.

*Rapine*, *Rapina*, To take a Thing in private against the Owner's Will, is properly Theft; but to take it openly, or by Violence, is *Rapine*, 14 Car. 2. cap. 22. and 18 Car. 2. cap. 3.

*Raptu hæreditis* Is a Writ lying for the Taking away of an Heir holding in Socage; of which there are Two Sorts, one when the Heir is married, the other when he is not; of both these, see the *Reg. Orig.* fol. 163.

*Rase*, *Raseria*. It seems to have been a Measure of Corn now disused. *Toll shall be taken by the Rase, and not by the Heap or Cantel*, Ordinance for Bakers, Brewers, &c. cap. 4. *Debentur ei annuatim decem & octo Raseriz avena, & sex Raseriz bordei*, &c. *Spelman. Et de uno Rasario frumenti in unoquoque mense ortolano, & ad natale Domini de uno Rasario. Brasii de Masshemalt, de ordeo & avenis, & dimidium Rasarii de Grethmalt.* Pat. 12 Edw. 3. pag. 1. m. 4.

*Rasus alleozum*, A Rase of Onions, thus computed in *Fleta*, lib. 2. cap. 12. sect. 12. *Rasus alleorum continet xx fones, & qualibet fonis xxv. capita.*

*Rastall* Was an eminent and learned Lawyer, that lived in Queen Mary's Days, and was a Justice of the Common Pleas; he made an Abridgment of the Statutes, which bears his Name to this Day. He was also the Author of the *New Book of Entries*.

*Ratze*, *Leicester*.

*Rate-ratthe* Is, when Sheep, or other Cattel are kept in a Parish for less Time than a Year, the Owner must pay for them *pro rata*, according to the Custom of the Place. *F. N. B.* fol. 51. *Broke, Dismes 26. Pro rata dicimus, pro proportione vel proportionaliter*. *Lindewode*.

*Ratification*, *Ratificatio*, A ratifying or confirming. It is used for the Confirmation of a Clerk in a Prebend, &c. formerly given him by the Bishop, &c. where the Right of Patronage is doubted to be in the King. See *Reg. Orig.* fol. 304.

*Ratio*, Properly signifies Reason; but we take it mostly for an Account, as *reddere rationem*, to give an Account, and so it is frequently used.

*Ratio*, i. e. A Cause, or Judgment given in a Cause, and *ponere ad rationem* is to cite one to appear in Judgment. *Walsingh.* 88.

*Rationabilibus distictis* Is a Writ that lies where Two Lords, in divers Towns, have Seigniories joining together, for him that findeth his Waste



Waste by little and little to have been encroached upon, against the other that hath encroached, thereby to rectify their Bounds; in which Respect Fitzherbert calls it in its own Nature a *Writ of Right*. The *Old Nat. Brev.* says, That this is a Kind of *Justicies*, and may be removed by a *Pone* out of the County to the Common Bench. See the Form and Use hereof in *F. N. B. fol. 128.* and *Reg. Orig. fol. 157.* and *New Book of Entries*, verb. *Rationabilibus divisis*. The *Civilians* call this *Judicium finium regendorum*.

*Rationabili parte bonorum* Is a Writ that lies for the Wife against the Executors of her Husband, denying her the third Part of her Husband's Goods, after Debts and Funeral Charges defrayed. *F. N. B. fol. 222.* who there cites the eighteenth Chapter of *Magna Charta*, and *Glanville*, to prove that according to the Common Law of England, the Goods of the Deceased, his Debt first paid, should be divided into Three Parts, whereof his Wife to have one, his Children the Second, and the Executors the Third; and this Writ lies as well for the Children as Wife, which appears by *Reg. Orig. fol. 142.* Yet it seems to be in Use no where, unless the Custom of the Country leads to it. See the *New Book of Entries*, verb. *Rationabili parte bonorum*.

*Rationale* Was the same with *Pallium*: It was worn by the High Priest of the old Law, as a Sign of the greatest Perfection, and by the Pope and Bishops, as a Token of the highest Virtue, *quæ gratia & ratione perficitur*, and from hence 'tis called *Rationale*.

*Ratofibius flubius*, The River *Taffe* in *Glamorganshire*.

*Raishment*, *Raptus*, Signifies an unlawful Taking away either a Woman, or an Heir in Ward: Sometimes also it is used in the same Sense with *Rape*, which see.

*Raishment de gard* Was a Writ that lay for the Guardian by Knights-service, or in Socage, against him that took from him the Body of his Ward. See *F. N. B. fol. 140.* See *12 Car. 2. cap. 24.*

*Ravisher*. *Raptor*, He that deflours a Woman by Violence. See the Penalty for *ravishing*, or being ravished, afterwards consenting, in the Statute *6 R. 2. cap. 6.* See *Rape*.

*Range* Is a Word mentioned *Anno 4 E. 4. 1.*

*Ratwinge* and *Ratwinger*. See *Range* and *Ranger*.

*Rap* Is a Word appropriated to Cloth never coloured or died. *17 R. 2. cap. 3. 11 H. 4. cap. 6. and 1 R. 3. cap. 8.*

*Rapth*, *Anno 6 Hen. 6* A Motion was made in Parliament against a certain Trial in *Wales*, called a *Rayth*, *q.*

*Read*, *i. e.* Advice: From the Saxon *Ræd*, *consilium*: Thus in our old Bibles, the Verse in the first Psalm is thus translated, *viz. The Man is blest, that hath not bent— To wicked Read his Ear, i. e. to wicked Council.*

*Reafforested* Is where a Forest hath been disafforested, and again made Forest, as the Forest of *Deane*, by the Statute of *20 Car. 2. cap. 3.*

*Realty* Is an Abstract of *Real*, and contradistinguished from *Personalty*.

*Reap-towel* *Rip-towel*, The Gratuity or Reward given to customary Tenants, when they

have reaped their Lord's Corn, or done their other customary Duties. — *Homines minores de Ingleham habebunt, si operantur in Autumno, dimidiam acram frumenti non sercorati, & dimidiam a ram dragei ad Rip-towel.* — *Consuetud. domus de Farndon MS. f. 15.*

*Reasonable Apoc*, *Rationabile auxilium*, Was a Duty that the Lord of the Fee claimed of his Tenants holding by Knights-service, or in Socage, to marry his Daughter, or make his Son Knight. *Westm. 1. cap. 39.* but taken away now. See the Stat. *12 Car. 2. cap. 24.*

*Reathen*, *i. e.* hasty: From the Sax. *Rath*, *cito*, from whence we derive the Word *Wrath*.

*Reattachment*, *Reattachiamentum*, Is a second Attachment of him that was formerly attached and dismissed the Court without Day, as by the not coming of the Justices, or some such Casualty. *Broke, hoc titulo*, where he makes *Re-attachment General and Special*: *General*, is where a Man is reattached for his Appearance upon all Writs of Assize lying against him. *Bro. ibid. num. 18.* Then *Special* must be for one or more certain. *Reg. Judic. fol. 35.* and *New Book of Entries*, *hoc verbo*.

*Rebellare* Signifies to Fight. *Ad rebellandum se suosq; præmunire. capit. Vita Offic. Regis.*

*Rebellion*, *Rebellio*, Is a French Word, or rather Latin, signifying the Taking up of Arms traiterously against the King, be it by natural Subjects, or by others once subdued: Among the *Romans* it denoted a second Resistance of such as formerly being overcome in Battel, yielded to their Subjection. The Word *Rebel* is sometimes attributed to him that wilfully breaks a Law. *25 E. 3. 6. and 31 E. 3. stat. 3. cap. 2.* Sometimes to a Villain disobeying his Lord. *1 R. 2. cap. 6. Commission of Rebellion.* See in *Commission*.

*Rebellious Assembly* Is a gathering together of Twelve Persons, or more, intending or going about, practising or putting in Ure, unlawfully of their own Authority, to change any Laws or Statutes of this Realm; or to destroy the Enclosure of any Park or Ground inclosed, or Banks of any Fish-pond, Pool or Conduit, to the Intent the same shall remain void; or to the Intent unlawfully to have Common, or Way in any of the said Grounds; or to destroy the Deer in any Park, or any Warren of Conies, or Dove-houses, or Fish in any Ponds; or any House, Barns, Mills, or Bayes, or to burn Stacks of Corn, or to abate Rents, or Prices of Victuals. *Anno 1 Mar. 12. & 1 Eliz. 17.* See *West. Symbol. part 2. Tit. Indictments, sect. 65.* and *Crompt. Just. of Peace, fol. 21.*

*Rebellum*, A Rejoinder, a Replication, an Answer in a Court of Equity. — *Cum constaret nobis diem & locum esse constitutos præfato Roberto ad respondendum Rebello in causa prædicta sibi porrecto.* — *Cartular. Abbot. Glaston. MS. f. 108.*

*Rebinandum*. *Noveritis me teneri per præsens scriptum ad warestandum & Rebinandum cum semine meo proprio, tam cum semine jemali, quam cum semine quadragesimali, totam terram arabilem R. B. &c. Charta Nic. Dubbe dat. 3 Edw. penes Henr. Milburn, Arm.*

*Rebinate* Was to plow the Ground the third Time. *Tempus rebinandi erit post festum Nativitatis Sancti Johannis Baptiste cum terra pullulaverit post caruam.* *Fleta, lib. 2. cap. 73. par. 10.*

*Rebinare terram*, To give a Second stirring or ploughing to arable Land that lies fallow, in Order

der to prepare it for sowing Wheat, &c. *Die Sabbati post Festum omnium Sanctorum Anno 1322. ordinatum est in Capitulo Ecclesie Pauline, quod firma Ecclesiarum de Willestone, Sancti Pancratii, &c. que sub nomine gratia Fratribus Stagiariis ad firmam per Capitulum secundum residentie sue cursum tradi solent quocunque tempore anni vocaverint in Festo Sancti Petri ad vincula realiter dimittantur, & tunc primum libere ingrediantur Fratres succedentes.*—*Si quas vero terras warectaverit vel rebinaverit defunctus, sumptus appositos Executoribus defuncti vivos succedensolvere teneatur.*—*Ex Libro Statutorum Ecclesie Pauline per Tho. Lyseaux Decanum collect. MS. penes Rev. Joh. Episcopum Norwic.*—*Concessi quod cum araverint, vel warectaverint, vel rebinaverint predictas terras suas, possint ducere & vertere carrucas suas super terram proxime jacentem absque impedimento.* Cartular Abb. Radinges MS. f. 71. a.

**Rebutter**, Cometh of the French *Bouter*, *repeller*, and signifies the same in the Common Law. For Example, A Man grants Land to the Use of himself, and the Issue of his Body, to another in Fee with Warranty. And the Donee leaseth out his Land to a Third for Years; the Heir of the Donor impleadeth the Tenant, alledging, that the Land was in Tail to him: The Donee comes in, and by Virtue of the Warranty made by the Donor, repellerh the Heir, because though the Land was intailed to him, yet he is Heir to the Warrantor likewise; and this is called a *Rebutter*. Bro. Tit. Barre, num. 23. And again, If I grant to my Tenant, to hold *sine impetitione wasti*, and afterward I implead him for Waste made; he may debar me of this Action, by shewing my Grant: And this also is a *Rebutter*. Bro. *ibid.* num. 25. *New Book of Entries*, verb. *Rebutter*, and Co. on Lit. fol. 365.

**Recaption**, *Recaptio*, Signifies a second Distress of one formerly distrained for the same Cause, and also during the Plea grounded on the former Distress: It likewise signifies a Writ lying for the Party thus distrained; the Form and farther Use thereof, you may see in *F. N. B.* fol. 86. *Reg. Judic.* fol. 69. and the *New Book of Entries*, verbo *Recaption*.

**Receipt**. See *Rescript*.

**Receiver**, *Receptor*, Is with us as with the *Civilians*, commonly used in the evil Part for such as receive stolen Goods from Thieves, and conceal them. But annexed to other Words, as the *Receiver of Rents*, &c. it signifies many Times an Officer of great Account belonging to the King, or other great Person. *Crompt. Jur.* fol. 18. There is also an Officer called the *Receiver of Fines*, who receives the Money of all such as compound with the King upon original Writs in Chancery. *West. Symbol. part 2. Tit. Fines, sect. 106.* *Receiver* of all Offices accountable, 1 E. 4. cap. 1.

**Receiver-General** of the *Dutchy* of Lancaster Is an Officer belonging to the *Dutchy Court*, that gathers in all the Revenues and Fines of the Lands of the said *Dutchy*, and of all Forfeitures and Assessments, or what else is thence received. Anno 39 Eliz. cap. 7.

**Receiver-General** of the Court of Wards and Liveries Was an Officer belonging to that Court; but the Court being taken away by the Stat. 12 Car. 2. cap. 24. that Officer is also out of Doors.

**Receiver-General** of the *Muster-Rolls*, Anno 35 Eliz. cap. 4.

**Receffa** Are Things of little Value. See *Servitorium*.

**Rechacea**. See *Chacea*.

**Rechatum**, King Edw. 1. grants a Charter to the Barons of the Cinque Ports. — *Ut quieti sint de omni tbelonio & de omni consuetudine, videlicet, ab omni lastagio, tollagio, passagio, cayagio, rivagio & omni wrecco. & de omni venditione, abato & rechato suo super totam terram & potestatem nostram.*—*Placit. temp. Edw. 1. & Edw. 2. MS. 4to penes Dom. Fountains ex Aede Christi Oxon.*

**Reclibare**, To relapse after a Recovery. 'Tis mentioned in *Petrus Blesensis, Epist. 131.*

**Recinium** for *Raticinium*.

**Recluse**, *Reclusus*, Is one that by Reason of his Order in Religion, is shut up, and may not stir out of the House or Cloister, of whom *Littleton* speaks, *sect. 434.*

**Recognisance**, *Recognitio*, Cometh of the French *Reconnoissance*, and is as a Bond or Obligation of Record, testifying the *Recognisor* to owe to the *Recognisee* a certain Sum of Money, and is acknowledged in some Court of Record, or before some Judge, Master of the Chancery, or Justice of Peace, &c. 23 H. 8. 6. and those that be meer *Recognisances* are not sealed but enrolled, and Execution by Force thereof is of all the *Recognisor's* Goods or Chattels (except draught Beasts and Implements of Husbandry) and the Moiety of his Lands. *West. Symbol. part 1. lib. 2. sect. 149.* and *Reg. Orig. fol. 146, 151, & 252.* See also *Statute-Merchant* and *Statute-Staple*. *Recognisance* hath yet another Signification, as appears by these Words in the Statute, *Westm. 1. cap. 36.* For it is there provided and agreed, *That if any Man be attainted of Disseisin, done in the Time of the King that now is, with Robbery of any Manner of Goods or Moveables, by Recognisance of Assise of Novel Disseisin, the Judgment shall be, &c.* where it is used for the Verdict of the Twelve Men impanelled upon an *Assise*, which Twelve are also called *Recognitors* of the *Assise*. *Lit. fol. 72.* So also *Bracton* names them, *lib. 5. tract. 2. cap. 9. num. 2.* and *lib. 3. tract. 1. cap. 11. num. 16.* See the Stat. 20 E. 1. Stat. 4. and *New Book of Entries*, verbo *Recognisance*.

**Recognisee** Is he to whom one is bound in a *Recognisance*, 11 H. 6. cap. 10.

**Recognition**, (*Recognitio*) An Acknowledgment. It is the Title of the First Chapter of the Statute 1 Jac. whereby the Parliament acknowledged the Crown of England, after the Death of Queen Elizabeth, to have rightfully descended to King James. See *Skene de verbor. signif. verb. Recognition*. *Recognitione annullanda per vim & duritiam facta* Is a Writ to the Justices of the Common Bench, for the sending of a Record touching a *Recognisance*, which the *Recognisor* suggests to have been acknowledged by Force and Duress, that if it be so, it may be annulled. *Reg. Orig. fol. 183.*

**Recognitors**, *Recognitores*, Is a Word frequently used for the Jury impanelled upon an *Assise*: The Reason why they are so called, is, because they acknowledge a Disseisin by their Verdict. *Bracton, lib. 5. tract. 2. cap. 9. num. 2. & lib. 3. tract. 1. cap. 11. num. 16.*

**Reconciliare**. A Church is said *Reconciliari* when it is consecrated again, after it hath been polluted, or in the Possession of Pagans or Heretics. *Mat. Paris. Anno 1152. Mat. Westm. Anno 1015.*

**Record**,

**Record, Recordum,** Cometh of the Latin *Recordari*, to remember, and signifies an authentick and uncontrollable Testimony in Writing, contained in Rolls of Parchment, and preserved in Courts of Record, and they are said to be *Vetustatis & veritatis vestigia*. Coke's Preface to his 8 Rep. Britton, cap. 27. and Lamb. Eiren. lib. 1. cap. 13. An Act committed to Writing in any of the King's Courts, during the Term wherein it is written, is alterable, being no Record; but that Term once ended, and the Act duly enrolled, it is a Record, and of that Credit, that admits no Alteration or Proof to the contrary. Bro. Tit. Record, num. 20, 22. yet see Co. 4 Rep. Rawlin's Case, fol. 52. The King may make a Court of Record by his Grant. Glanville, lib. 8. cap. 8. Britton, cap. 121. As Queen Elizabeth by her Charter, dated the 26. of April, in the Third Year of her Reign, made the Consistory Court of the University of Cambridge, a Court of Record. Bro. Tit. Record, seems to insinuate that no Court Ecclesiastical is of Record; yet we see that Bishops certifying Bastardy, Bigamy, Excommunication, a Marriage, Divorce, or the like, are credited without farther Inquiry. Fleta, lib. 6. cap. 39, 40, 41, 42. Lamb. Eiren. lib. 1. cap. 13. Glanville, lib. 7. cap. 14, 15. Reg. Orig. fol. 5. Bracton, lib. 5. tract. 5. c. 20. num. 5. Britton, cap. 92, 94, 106, 107, & 190. Doff. & Stud. lib. 2. cap. 5. And a Testament shewed under Seal of the Ordinary is not traversable. 36 H. 6. c. 31. Perkin's Testament 491. Fulbeck's Parallels, f. 61. The Reason of which Opinion may be, because by the Civil or Canon Law, no Record is held so firm but that it may be checked by Witnesses able to depose it to be untrue; whereas in our Common Law against a Record of the King's Court, after the Term wherein it is made, no Witness can prevail. Britton, cap. 109. Co. lib. 4. fol. 71. Hind's Case. Lib. Ass. fol. 227. nota 21. We reckon Three Sorts of Records, viz. A Record Judicial, as Attainder, &c. A Record Ministerial upon Oath, as an Office or Inquisition found. And a Record made by Conveyance and Consent, as a Fine or Deed enrolled, or the like. Co. lib. 4. fol. 54. b. Ognell's Case.

**Re opare facias, or Recordari facias,** Is a Writ directed to the Sheriff, to remove a Cause depending in an inferior Court, as Court of ancient Demesne, Hundred or County to the King's Bench or Common Pleas. F. N. B. fol. 72. Where, and in what Cases this Writ lies, read Broke, Tit. Recordare & Pone. It seems to be called a Recordare, because it commands the Sheriff to Whom it is directed to make a Record of the Proceedings by himself and others, and then to send up the Cause. See the Table of the Reg. Orig. verbo Recordare. See also Certiorari, and Accedas ad Curiam.

**Recorder, Recordator,** Is he whom the Mayor, or other Magistrate of any City or Town Corporate having Jurisdiction, or a Court of Record within their Precincts, by the King's Grants, doth associate to him for his better Direction in Matters of Justice and Proceedings according to Law: And is therefore for the most part a Man versed and experienced in the Law. What they call a Recorder in other foreign Parts, see in the Customary of Normandy, cap. 107, & 121.

**Recordo & processu mittendis** Is a Writ to call a Record, together with the whole Proceeding in the Cause, out of an inferior Court into

the King's Court: Which see in the Table of the Reg. Orig. how diversly it is used.

**Recordo utlagariæ mittendo** Is a Judicial Writ, which see in Reg. Judic. fol. 32.

**Recovare** Is a Word mentioned in Mat. Westm. Anno 1216. viz. *Iste sunt terræ quas Rex Job. amisit, qui nihil horum recovavit usque ad diem mortis sue.* It signifies to recover.

**Recovery, Recuperatio,** May be extracted from the French *Recouvrer*, i. *recuperare*, And signifies in a legal Acceptation, an obtaining any Thing by Judgment or Trial of Law, as *Evictio* doth among the Civilians. And here note, That there is a true Recovery, and a feigned one. A true Recovery is an actual or real Recovery of any Thing, or the Value thereof by Judgment; as if a Man sued for any Land, or other Thing moveable or immovable, and have a Verdict and Judgment for him. A feigned Recovery is (as the Civilians call it) *Quadam fictio Juris*, a certain Form or Course set down by Law, to be observed, for the Better assuring of Lands or Tenements unto us; and the End and Effect thereof is (according to West. Symbol. part 2. Tit. Recoveries, sect. 1.) to discontinue and destroy Estates-tail, Remainders and Reversions, and to bar the Intails thereof. And in this Formality are required Three Persons, viz. The Demandant, Tenant and Vouchee. The Demandant is he that brings the Writ of Entry, and may be termed the Recoverer. The Tenant is he against whom the Writ is brought, and may be termed the Recoveree. The Vouchee is he whom the Tenant voucheth, and calls to Warranty for the Land in Demand. A Recovery with double Voucher is, where the Tenant voucheth one, who voucheth another, or the common Vouchee. And a Recovery with treble Voucher is, where Three are vouched. But to explain this Point a little more: A Man that is desirous to cut off an Estate-tail in Lands or Tenements, to the End, to sell, give, or bequeath it, causeth (by the Contrivance of his Counsel or Attorney) a feigned Writ of Entry *sur dissein en le Poit*, to be brought for the Lands of which he intends to cut off the Intail, and in a feigned Count or Declaration thereupon made, pretends he was dispossessed by him, who by a feigned Fine or Deed of Bargain and Sale, is named and supposed to be the Tenant of the Land. This feigned Tenant, if it be a single Recovery, is made to appear and vouch the Bagbearer of Writs for the *Custos brevium* in the Common Pleas, (for there only can such Recoveries be suffered) who makes Default. Whereupon the Land is recovered by him that brought the Writ, and a Judgment is by such Fiction of Law entered, that the Demandant shall recover, and have a Writ of *Seisin* for the Possession of the Lands demanded, and that the Tenant shall recover the Value of the Lands against the Lands of the Vouchee. Bagbearer, a poor unlanded and illiterate Person, which is feigned to be a Satisfaction to the Heir in Tail, though he is never to have or expect it. This feigned Recovery is also called a Common Recovery, because it is a beaten and common Path to that End for which it is appointed, viz. to cut off the Estates above specified. See New Book of Entries, verb. Recovery. But a true Recovery is as well of the Value, as of the Thing: For Example, If a Man buy Land of another with Warranty, which Land a Third Person afterwards by Suit of Law

A a a

recovereth

recovereth against me, I have my Remedy against him that sold it me, to recover in Value, that is, to recover so much in Money as the Land is worth, or so much other Land by Way of Exchange. *F. N. B. fol. 134. To recover a Warranty. Old Nat. Brev. fol. 146.* is to prove by Judgment, that such a Man was his Warrant against all Men for such a Thing.

**Recouer**, From the French *Recouper*, to cut again; also to reply quickly and sharply to a peremptory Demand; we use it to defalk or discount. As if a Man hath Ten Pounds issuing out of certain Lands, and he disseises the Tenant of the Land in an Assise brought by the Disseisee, the Disseisor shall *recoupe* the Rent in the Damages.

**Recreant**, (French,) Cowardly, Faint-hearted. See *Cravent*. *Recreant* was so reproachful a Word, that *Glanville* would not describe it. But *Fleta*, lib. 3. tract. 2. cap. 34. tells us, That *non sufficit quod appellatus cognoscat socium suum fuisse latronem vel aliquid simile ad recreantiam, nisi dicat verbum illud opprobriosum quod recreantus sit.* And in *Lib. 2. c. 2.* *Recreantos equos* are dull and tired Horses.

**Rectare**, To cite a Criminal to Justice, or to accuse a Criminal. *Quo judicio deducendi sunt illi qui reati sunt de latrocinio, murdro, incendio, &c.* *Hoveden. pag. 655.*

**Recta prisca Regis**, The King's Right to a Prize, or taking of one Butt or Pipe of Wine before the Mast, and another behind the Mast, as a Custom for every Ship laden with Wines. *King Edw. 1.* in a Charter of many Privileges to the Barons of the Cinque Ports, discharged them of this Duty. — *Quod de propriis vinis suis de quibus negotiantur quieti sint de recta prisca nostra, videlicet, de uno dolo vini ante malum & alio post malum.* — *Placit. temp. Ed. 1. & Ed. 2. MS. penes Dom. Fountaines.*

**Rectatio**, Claim of Right, or Appeal to Law for Recovery of it. — *Titam Parochiam & decimam absque omni calumpnia & restitutione concessit.* *Cartular. Radinges, MS. f. 193 a.*

**Rectatus**, *Spelman* interprets it *Suspectus, ad rectum vocatus.* *Officium Coronatoris edit. Anno 3 E. 1.* — *De thesauro invento debet Coronator inquirere qui fuerint inventores & similiter quis inde rectatus est, & hoc potest scire eo quod vixerit delicate, & tabernam frequentat, & diu sic se habuit, pro tali suspitione attachiari debent, &c.* See *Bracton, 123. num. 8.* where he uses *rectum* for *accusatum*.

**Rectitude**, Rectitude, Rights, legal Dues. — *Si quis Dei rectitudines per vim deforciat, emendat, i. e.* If any one does violently detain the Rights of God, (Tithes and Oblations) let him be fined or amerced, to make full Satisfaction. *Leges Hen. 1. cap. 6.* — *Nec ob securitatem pacis adeptam detinerent rectitudines vel servitia Dominorum suorum.* *Leg. Edw. Confes. cap. 30.*

**Recto**, *Requirere de recto*, To cite one to Justice. *Leg. Hen. 1. cap. 43.*

**Recto** Is a Writ of Right, which is of so high a Nature, that whereas other Writs in real Actions are only to recover the Possession of the Land or Tenements in Question, which have been lost by our Ancestor or our selves; this aimeth to recover both the Seisin which some of our Ancestors or we had, and also the Property of the Thing whereof the Ancestor died not seised, as of Fee; and whereby are pleaded and tried both their Rights together, viz. as well of Possession as Property: So that if a Man once lose

his Cause upon this Writ, either by Judgment, Assise or Bartel, he is without all Remedy, and shall be excluded *per exceptionem rei judicata.* *Bracton, lib. 5. tract. 1. cap. 1. & seq.* It is divided into Two Kinds, 1. *Rectum Patens*, a Writ of Right Patent, and *Rectum Clausum*, a Writ of Right Close. This the Civilians call *Judicium Pettitorum*. The Writ of Right Patent is so called, because it is sent open, and is in Nature the highest Writ of all other, lying always for him that hath Fee-simple in the Lands or Tenements sued for, and not for any other. And when it lieth for him that challengeth Fee-simple, and in what Cases, see *F. N. B. fol. 1. 6.* where he speaks of a special Writ of Right in London, otherwise called a Writ of Right, according to the Custom of London. This Writ also is called *Breve Magnum de Recto*. *Reg. Orig. fol. 9. and Fleta, lib. 5. cap. 32. sect. 1.* A Writ of Right Close, is a Writ directed to a Lord of Ancient Demesne, and lieth for those which hold their Lands and Tenements by Charter in Fee-simple, or in Fee-tail, or for Term of Life, or in Dower, if they be ejected out of such Lands, &c. or disseised: In this Case a Man, or his Heirs may sue out this Writ of Right Close, directed to the Lord of the Ancient Demesne, commanding him to do him Right, &c. in his Court. This is called *Breve parvum de recto*. *Reg. Orig. fol. 9. and Britton, cap. 120. in fine, also F. N. B. fol. 11. & seq.* Yet note, That the Writ of Right Patent seemeth farther to be extended in Use than the original Intention; For a Writ of Right Dower, which lies for the Tenant in Dower, and only for Term of Life, is Patent, as appears by *F. N. B. fol. 7.* The like may be said in divers other Cases, of which see the Table of the Register Original, verbo *Recto*. This Writ is properly tried in the Lord's Court between Kinsmen that claim by one Title from their Ancestor. But how it may be thence removed, and brought either to the County, or to the King's Court, see *Fleta, lib. 6. cap. 3. 4. & 5.* *Glanville* seems to make every Writ, whereby a Man sues for any Thing due unto him, a Writ of Right, *lib. 10. cap. 1. lib. 11. cap. 1. and lib. 12. cap. 1.*

**S** Ciant — *Quod ego Furdanus de Ludeford abjuravi, quietum clamavi & remisi Roberto de Mappenor & heredibus suis de me & heredibus meis in presentia Domini Roberti de Mortuomari in Curia de Bureford clameum meum & totum jus quod dicebam me habere, vel quod habere potui in villa de Butona cum pertinentiis suis, unde traxi dictum Robertum in placitum in eadem Curia de Bureford per breve Domini Regis Henrici filii Regis Johannis de Recto, &c.* Sine dat. penes *Edw. Harley Mil. Bal.*

**Recto de dote** Is a Writ of Right of Dower, which lieth for a Woman that hath received Part of her Dower, and purposes to demand the Remainder in the same Town, against the Heir, or his Guardian, if he be a Ward. Of this see more in *Old Nat. Brev. fol. 5.* and *Fitzherbert, fol. 7. Reg. Orig. fol. 3.* and the *New Book of Entries*, verbo *Droyt*.

**Recto de dote unde nihil habet** Is a Writ of Right, which lies in Case where the Husband having divers Lands or Tenements, hath assured no Dower to his Wife, and she thereby is driven to sue for her Thirds against the Heir, or his Guardian. *Old Nat. Brev. fol. 6. Reg. Orig. f. 170.*

**Recto**



**Recto de rationabili parte** Is a Writ that lies always between privies of Blood, as Brothers in *Gavelkind*, or Sisters, or other Coparceners; as Nephews or Nieces; and for Land in Fee-simple. For Example, If a Man lease his Land for Term of Life, and afterwards dies, leaving Issue Two Daughters, and after that the Tenant for Term of Life dieth also, the One Sister entering upon all the Land, and so deforcing the other; the Sister so deforced shall have this Writ to recover Part. *F. N. B. fol. 9. Reg. Orig. fol. 3.*

**Recto quando Dominus remittit** Is a Writ of Right, which lies in Case where Lands or Tenements that be in the Seigniorship of any Lord, are in Demand by a Writ of Right; for if the Lord hold no Court, or otherwise at the Prayer of the Demandant, or Tenant, shall send to the Court of the King his Writ, to put the Cause thither for that Time, (saving to him at other Times the Right of his Seigniorship) then this Writ issues out for the other Party, and hath the Name from the Words contained, being the true Occasion thereof: This Writ is *close*, and must be returned before the Justices of the Common Bench. *Old Nat. Brev. f. 16. Reg. Orig. f. 4.*

**Recto de Advocatione Ecclesie** Is a Writ of Right, lying where a Man hath Right of Advowson, and the Parson of the Church dying, a Stranger presents his Clerk to the Church, and he not having brought his Action of *Quare impedit*, nor *Darrein Presentment* within Six Months, but suffered the Stranger to usurp upon him. And this Writ he only may have that claimeth the Advowson to himself, and to his Heirs in Fee. And as it lies for the whole Advowson, so it lies also for the Half, Third or Fourth Part. *Old Nat. Brev. fol. 24. Reg. Orig. fol. 29.*

**Recto de custodia terræ & hereditatis** Was a Writ that lay for him whose Tenant holding of him in Chivalry, died in Nonage, against a Stranger that entered upon the Land, and took the Body of the Heir; but by the Statute of 12 Car. 2. cap. 24. it is become useless as to Lands holden in *Capite*, or by *Knights-Service*, but not where there is Guardian in *Socage*, or appointed by the last Will and Testament of the Ancestor. The Form of it, see in *F. N. B. fol. 139. and Reg. Orig. fol. 161.*

**Recto sur Disclaimere** Is a Writ that lies where a Lord in the King's Court of Common Pleas avows upon his Tenant, and the Tenant disclaimeth to hold of him; upon which Disclaimere he shall have this Writ, and if the Lord aver and prove, that the Land is holden of him, he shall recover the Land for ever. *Old Nat. Brev. fol. 150. which is grounded upon the Statute of Westm. 2. cap. 2.*

**Recto:** Is both Latin and English, signifying a Governor; and *Rektor Ecclesie parochialis* is he that hath the Charge or Cure of a Parish-Church, *Qui tantum jus in Ecclesia Parochiali habet, quantum Prelatus in Ecclesia Collegiata:* It has of late been over-ruled, that *Rektor Ecclesie Parochialis* is he that hath a Parsonage where there is a Vicaridge endowed; and he that hath a Parsonage without a Vicaridge, is called *Persona*; but this Distinction seems to be new and subtle. *Bracton* certainly uses it otherwise, *lib. 4. tract. 5. cap. 1.* in these Words, *Et sciendum quod rectoribus Ecclesiarum parochialium competit Assisa qui instituti sunt per Episcopos & Ordinarios ut Persona;* where it is plain, that *Rektor* and *Persona* be confounded. Observe also

these Words there following, *Item dici possunt Rectores Canonici de Ecclesiis Præbendis. Item dici possunt Rectores vel quasi Abbates, Priores & alii, qui habent Ecclesias ad proprios usus.* See *Vicar.*

**Rectory, Rectoria,** Is taken for an entire Parish-Church, with all its Rights, Glebes, Tithes, and other Profits whatsoever. *Spelman.* The Word *Rectoria* was often used for the *Rector's Manse*, or *Parsonage-House.* See *Paroch. Antiq. p. 549.*

**Rectum, Commune Rectum,** A Trial at Law, or in common Course of Law. *Stare ad rectum*, to stand Trial. — *Præterea præcepit, quod omnes alii qui capti fuerant, qui non erant retenti per commune Rectum comitatus vel hundredi, vel per appellationem, essent quieti; & illi qui per commune Rectum sunt retenti, si plegios invenire possunt standi ad rectum, siquis adversus eos loqui voluerit, liberentur. — si autem per appellationem retati sunt, si fecerint pacem cum adversariis suis, redeant ad pacem.* *Hoveden Annal. Pars. poster. fol. 373.*

**Rectum, (Esse ad Rectum in Curia Domini,)** The same with *Stare ad Rectum.* *Leg. H. 1. cap. 43, 55.*

**Rectum (Stare ad Rectum)** Is to stand or abide the Justice of the Court. *Si plegios standi ad rectum invenire possunt.* *Hoveden, pag. 655.*

**Rectum rogare,** To petition the Judge to do Right. *Si quis sibi Rectum roget coram aliquo schirmanno vel alio iudice, & habere non possit.* *Leg. Inæ, cap. 9.*

**Rectus in Curia** Is *verbatimim*, right in Court, and signifies one that stands at the Bar, and no Man objects any Thing against him. *Smith de Republ. Angl. lib. 2. cap. 3.* We take it also, that when a Man is outlawed, he is *extra legem positus*; So when he hath reversed the Outlawry, and can participate of the Benefit of the Law, he is *Rectus in Curia.*

**Reculver.** See *Regulbium.* This was a Castle of the Romans.

**Red** Is an old Word, signifying Advice. From the Sax. *Ræd, Consilium.*

**Redbana** Is one who advised the Death of another. See *Dedbana.*

**Red Book of the Exchequer, Liber rubens Scaccarii.** A Manuscript Volume of several Miscellany Treatises, in the Keeping of the King's Remembrancer in the Office of *Exchequer.* It has some Things (as the Number of the Hides of Land in many of our Counties, &c.) relating to the Times before the Conquest. The Ceremonies used at the Coronation of Queen *Eleonor*, Wife to King *Henry 3.* are there at large. There is likewise an exact Collection of the *Escuages* under *Hen. 2. Ric. 1.* and King *John*, compiled by *Alexander de Sveresford* Archdeacon of *Salop*, and Treasurer of *St. Paul's*, who died in the Year 1246. 31 H. 3. See *Mr. Nicholson's* very useful Work, *Hist. Library, Part 3. p. 100.*

**Reddendum** Is used substantively for the Clause in a Lease, &c. whereby the Rent is reserved to the Lessor. *Co. lib. 2. fol. 72. Cromwell's Case.*

**Redditarium, A Rental,** a Book or Roll, wherein the Rents and Services of a Manor, or other Estate, are set down. — *Memorandum quod in Redditario de Lyndhurst super redditu ballivæ de Goddesball irrotulatur, &c.* *Cartular. Radings, MS.*

**Redditarius, A Renter, a Tenant.** — *Possit colligere & percipere totam præfatam pecuniâ secundum*

*seundum quod extrahi fecimus de rotulo Redditariorum nostrorum.* Cartular. Abbat. Glaston. MS. fol. 92. b.

**Reddition**, A judicial Confession and Acknowledgment, that the Land or Thing in Demand belongs to the Demandant, or at least not to the Person so surrendering. Statute 34, 35 H. 8. cap. 24.

**Rede**, *La Rede*. Memorandum quod octo virgate terra integre debent arare octo a. ras terra (pro Domino) & seminare proprio frumento, & herciare, quæ vocatur la Rede. Lib. Niger. Hereford, fol. 106.

**Reddecima**, i. e. The Tenth of the Tenth. *Decimationem omnium molendinorum in Anglia, & reddecimationem omnium caseorum suorum ubicunque fiant in Anglia.* Monast. 2 Tom. fol. 199.

**Redemptio**, A Ransom, or Commutation. By the old Saxon Laws, a Man convicted of a Crime paid such a Fine, according to his Ability, or the Estimation of his Head, *Pro redemptione sua*, or *ad redemptionem*.

**Redevable**, i. e. Bound, or obliged to another for some Benefit received. From the Sax. *Redevair*, *Debere*.

**Redin**, Now Reading in Berkshire.

**Redisseisin**, *Redissina*, Is a *Disseisin* made by him, that once before was made and adjudged to have *disseised* the same Man of his Lands or Tenements; for the which there lies a special Writ, called a Writ of *Redisseisin*. Old Nat. Brev. fol. 106. F. N. B. fol. 188. New Book of Entries, eodem verbo. The Punishment for *Redisseisin*, see in the Statute 52 H. 3. cap. 8. It is also taken for the Writ lying for a *Redisseisin*. Reg. Orig. 206, 207.

**Redmans** or **Radmans**, *Domesday in fine Cestreire*, Tit. Lanc. Blackburne Hundret, Rex E. tenuit Peneverdat, Ibi 11 Car. sunt in Dominio & 6 Burgenfes & 3 Radmans, & 8 vill. & 4 bovar. These *Redmans* may be the same with *Radknights*, who, by the Tenure or Custom of their Lands, were to ride with or for the Lord of the Manor, about his Business or Affairs.

**Redubbozs**, or **Drubbozs**, Are those which buy stolen Cloth, knowing it such, and change it into some other Form or Colour that it may not be known. Britton, cap. 29. Crompton's Vicount, fol. 193. and 3 Inst. fol. 134.

**Re-entry** May be deduced from the French *Rentrer*, i. e. *rursus intrare*, to enter again; and signifies the Refuming or Retaking that Possession which we had lately forgone. For Example, If I make a Lease of Land or Tenement, I do therefore forego the Possession; and if I do condition with the Lessee, that for Non-payment of the Rent at the Day, it shall be lawful for me to re-enter; this is as much as if I conditioned to take again the Lands, &c. into mine own Hands, and to recover the Possession by my own Fact, without the Assistance of Judge, or other Process.

**Reere-County**. See *Rier-County*.

**Re-extent** Is a Second Extent made upon Lands or Tenements, upon Complaint made, that the former Extent was partially performed. Bro. Tit. Extents, fol. 313.

**Reas**, To take away or rob. From the Sax. *Reaf*, *Vestis*, Lat. *Roba*, from whence we derive Robbery, i. e. *qui Robam rapit*. Leg. H. 1. c. 83. *Si quis mortuum refabit armis vel vestibus*, &c. *Reaf* also in Saxon is *Spolium*.

**Refectio**, A Dinner or Supper. The Word is derived from *Reficio*, to refresh. Sometimes it is taken as a Duty incumbent to provide Suppers and Dinners, &c. *Et terra illa a laboriosis operibus, ab omnibus tributis vel censurio, & ab omnibus refectioibus Regum vel principum sint libera.* Du Cange.

**Refectory**, *Refectorium*, That Place in Monasteries where the Monks used to eat. So the Halls in Colleges and Inns of Courts may properly be called *Refectories*, Places wherein the Scholars and Students eat and refresh themselves.

**Referendary**, *Referendarius*, Is the same as the Masters of Request are to the King among us; they were so called by the old Saxons, as appears by the Charter of the Endowment of the Monastery of St. Peter and Paul in Canterbury, dated Anno Dom. 605. where it is thus endorsed, *Ego Augemandus Referendarius approbavi. Ego Graphio Comes benedixi, Ego Tangisilus Regis optimas confirmavi*, &c. And in another Charter of the same King, *Testibus reverendissimo Patre Augustino Dorobernensis Ecclesie Archiepiscopo Primo*, &c. *Edbaldo filio meo, Hamigislio (Duce Landavi) Augemundo Referendario, Hocca comite*, &c. See *Spelman* hoc verbo.

**Refectorium** for *Refectorium*. *Inquirendum est etiam quantum vestura bosorum & refectorum valuit antequam assarta facta fuerunt.* Flota, lib. 2. cap. 41. par. 38.

**Refortuuncula**. *Walsingham* in Ed. 2. Anno Dom. 1317. saith, *In Refortuuncula sua de Horton latens vicinis similem injuriam inferebat.*

**Refugium**, A Sanctuary or Privilege of the Church. *Cum omni sua libertate & refugio Ecclesie Sancti Petri de Landavia*, &c. Monasticon, 3 Tom. pag. 122.

**Refullus** aquæ, High-Water, or Return of a Stream when it is dammed or stopp for the Use of a Mill. — *Cum redundatione aquæ, & octodecim pedes ultra refullum aquæ, pro voluntate dictorum Monachorum.* Mon. Angl. Tom. 2. pag. 913.

**Refutantia**, *Refutatio*, An Acquittance, or Acknowledgment of renouncing all future Claim. — *De omnibus receptis nomine nostro refutantias seu quietantias faciat prout viderit expedire.* Cartular. Abb. Glaston. MS. fol. 84. b.

**Reuga**. See *Reuga*.

**Regales**, The King's Servants or Officers. *Cujus temporibus in olea nullatenus per Regales opprimebantur.* Walsingham, Anno 1291.

**Regal filhes** (Anno 1 Eliz. cap. 5.) Are *Whales* and *Sturgeons*; some add *Porpusses*. The King by his Prerogative ought to have every Whale cast on Shore, or wrecked, in all Places within this Realm, (unless granted to Subjects by special Words,) as a *Royal Fish*. The King himself shall have the Head and Body to make Oil and other Things, and the Queen the Tail to make Whale-bones for her Royal Vestments. Pat. 1 Edw. 1. m. 25. dorso. See *Traff. de Anno Regina*, pag. 127.

**Regalia** *Dicuntur jura omnia ad fscum spectantia*, saith *Spelman*. The Royal Rights of a King; the *Civilians* reckon to be Six; 1. Power of Judicature. 2. Power of Life and Death. 3. Power of War and Peace. 4. Masterless Goods, as Waifs, Estrays, &c. 5. Assessments. And 6. Minting of Money. See *Royalities*. Also the Crown, Scepter with the Cross, Scepter with the Dove, St. Edward's Staff, Four-several Swords, the Globe, the Orb with the Cross, and other such

such like Things used at the Coronation of our Kings, are called *Regalia*. See the Relation of the Coronation of King Charles the Second in *Barber's Chronicle*.

*Regalia* is sometimes taken for the Dignity and Prerogative of the King, viz. *Qui impediunt Regem quo minus poterat exercere qua ad Regalia & prerogativa suam pertinent*. Knighton in *Rich.* 2.

*Regalia* is also taken for those Rights and Privileges which the Church enjoys by the Grants and other Concessions of Kings. And sometimes it is taken for the Patrimony of the Church; as, *Regalia Sancti Petri, &c.*

It signifies also those Lands and Hereditaments which have been given by Kings to the Church, viz. *Cepimus in manum nostram Baroniam & Regalia qua Archiepiscopus Eborum de nobis tenet*. Pryn. lib. Angl. 2 Tom. pag. 231.

These *Regalia*, whilst in the Possession of the Church, were subject to the same Services as all other temporal Inheritances; and after the Death of the Bishop they of Right returned to the King, until he invested another with them; which in the Reigns of William the Conqueror, and some of his immediate Successors, was often neglected or delay'd; and as often the Bishops complained thereof. This appears in *Ordericus Vitalis*, lib. 10. and in many other Writers in those Days. *Neubrigenfis*, lib. 3. cap. 26. tells us, they complained against Henry 2. for that *Episcopatus vacantes & provenientia periret comoda, diu vacare voluit, & Ecclesiasticis potius usibus applicanda in fiscum redegit*. So in *Malmshury*, lib. 1. de *Gest. pontificum*, pag. 285. See *Beneficium*.

*Regale Episcoporum*, The Temporal Rights and legal Privileges of a Bishop. — *Mandatum est Roberto di Burgate quod faciat habere Episcopo Norwicensi totum Regale quod ad Episcopatum suum pertinet*. Claus. 9. Joh. Brady's Append. to Hist. of England, p. 108.

*Regalia facere* Is to do Homage or Fealty when he is invested with the *Regalia*, viz. *Regalia pro more istius temporis faciens principi 7 Kalend. Octobris Cantuarie affedit*. Malmshury, de *gestis pontificum*, pag. 219. de Anselmo.

*Regalis Justicia*. — *Item prefati Barones (scil. quinq; portuum) habere debent ut asserunt per chartam suam Regalem Justiciam, in villa Gerne-muth, tempore ferie una cum Ballivo seu Preposito villa predicta, viz. cognitionem Affise panis, ulnarum, ponderum, & aliarum mensurarum, & similiter voyde strand & Denne secundum consuetudines suas usitatas, &c.* Rot. Parl. 8 E. 2. num. 262.

*Regard*, *Regardum* and *Rewardum*, Is borrowed of the French *Regard*, i. *Aspectus*, *Respectus*; and though it hath a general Signification of any Care or diligent Respect, yet it hath also a special Acceptation, wherein it is only used in Matters of the Forest; and there Two Ways, One for the Office of *Regarder*, the other for the Compass of the Ground belonging to that Office. *Crompt. Jur.* fol. 175, 199. Touching the former, thus saith *Manwood* in his *Forest Laws*, part 1. pag. 194, & 198. *The Eyre, General Sessions of the Forest, or Justice-Seat, is to be kept every Third Year; and of Necessity before any such Sessions or Justice-Seat can be holden, the Regarders of the Forest must make their Regard, and this making of the Regard must be done by the King's Writ, and the Regarder is to go through the whole Forest, to see and inquire of the Trespasses therein, viz. ad videndum, ad inquirendum, ad*

*imbreviandum & ad certificandum*. Touching the Second Signification, the Compass of the *Regarder's* Charge is the whole Forest, that is, all the Ground which is Parcel of the Forest; for there may be Woods within the Limits of the Forest, that be no Parcel thereof, and those be without the *Regard*. *Manwood*, part 2. cap. 7. num. 4. Anno 20 Car. 2. cap. 3.

**H**enricus Rex Anglorum omnibus Forestariis suis de Gloucestershire, salutem. Sciatis me concessisse & presenti charta confirmasse Ecclesie S. Jacobi de Bristolwa (in qua sepultus est Robertus Comes Glocestria avunculus meus) & Monachis ibidem Deo servientibus, pro salute mea, & pro anima ipsius Comitis, quod terra ipsius Ecclesie, & Monachorum in ea Deo servientium de Ciseleia, & boscus ejusdem terre, sint quieti de Rewardo & decimationis exigentia pro Essartis. Et prohibeo ne inter Assarta amodo computetur. Teste Roberto Episcopo Winton.

*Regardant*, (Fr. seeing, marking, vigilant,) As *Villain regardant* was called *Regardant* to the Manor, because he had the Charge to do all base Services within the same, and to see the same freed of all Things that might annoy it. *Co. on Lit.* fol. 120. This Word is only applied to a Villain or Neif, yet in old Books it was sometimes attributed to Services, *ibid.*

*Regarder*, *Regardator*, Cometh of the French *Regardeur*, i. *spectator*, and signifies an Officer of the Forest. *Crompt. Jurisd.* fol. 153. where it is thus defined. A *Regarder* is an Officer of the Forest, appointed to supervise all other Officers, and was ordained in the Beginning of King Henry the Second's Days. *Manwood* thus describes him, A *Regarder* is an Officer of the King's Forest, that is sworn to make the *Regard* of the Forest, as the same hath been used to be made heretofore: And also to view and enquire of all Offences or Defaults of the Foresters, and of all other Officers of the King's Forests concerning the Execution of their Offices. This Officer may be made either by the King's Letters Patent, or by any one of the King's Justices of the Forest, at his Discretion, in the General Eyre, or at such Time as the *Regard* is to be made, by Virtue of the King's Writ directed to the Sheriff of the County for that Purpose. More particulars of the *Regarder's* Office, how he is chosen, and the Form of his Oath, see in *Manwood*, pag. 188, 192, 195, 207. In a Charter of Henry the Third, to the Masters, Canons, Brethren, &c. of the Order of the House of *Semplingham*, made in the Eleventh Year of his Reign, it is said, *Et sint quieti tam ipsi quam homines eorum de misericordia foresta & de esapiis, & de Rewardo & vasto ubicumq; in marisco de Restovene, &c.*

*Regenburgii* Is a Word used in our Historians, and signifies Judges. *Leg. Canuti*, cap. 103. See *Rachimburgii*.

*Regis Assensu* Is a Writ whereby the King gives his Royal Assent to the Election of a Bishop or Abbot. *Reg. Orig.* fol. 294.

*Register*, The Writer and Keeper of a Registry; in Lat. *Registrarius*. *Register* is also the Name of a Book, wherein are expressed most of the Forms of Writs used at the Common Law, called the *Register of Writs*, or of the *Chancery*: Of which thus *Spelman*; *Codex dicitur quo Brevia Regia, tam originalia quam judicialia formularum inscribuntur*; *Hujus Codicis meminit Westm.* 2. cap. 24 &

25. This *Register* is one of the most ancient Books of the Common Law, according to *Coke on Littl. fol. 159.*

*Register of the Parish Church (Registrum Ecclesie Parochialis)* Is that wherein Baptisms, Marriages, and Burials, are in each Parish every Year orderly registred. Which was laudably instituted by the Lord Cromwel in September, Anno 1538, while he was Vicar general to King Henry the Eighth.

*Registrum*, Is properly derived from an old French Word *Gister*, i. in lecto reponere, suo loco constituere. So that *registrum* is properly the same with *repositorium*, a Place where any Thing is laid up; and from hence publick Books, in which various Things are inserted, are properly termed *Registers*; and accordingly the Office, Books and Rolls, wherein the Proceedings of the Chancery, or any Spiritual Court are recorded. See Mr. *Nicholson's* very useful *English Library*, P. 3. pag. 83.

*Regius Professor*, (Anno 12 Car. 2. cap. 17.) Henry the Eighth founded Five Lectures in each University, viz. Of Divinity, Hebrew, Greek, Law and Physick; The Readers of which Lectures are called in the University Statutes, *Regii Professores*.

*Regni Populi*. Surrey, Sussex, and the Sea-Coasts of Hampshire.

*Regrateur*, *Regratery*, or selling out by Retail. — *Johannes Rex* statuit anno 1199. quod nullum vinum ematur ad *regrateriam* de vinis que applicuerint in Anglia. *Annal. Burton.* sub anno 1199.

*Regrator*, *Regratarius*, May be deduced from the French *Regrateur*, and signifies him that buys Wares or Victuals, on purpose to enhance the Prices; formerly such as brought by Great, and sold by Retail, came under that Notion. 27 E. 3. Stat. 1. cap. 3. But now that Name denotes him that buys and sells any Wares or Victuals in the same Market or Fair, or within Five Miles thereof, whereof see the Stat. 5 E. 6. cap. 14. 5 Eliz. 12. and 13 Eliz. 25. In the Civil Law such is called *Dardanarius*, a Dardano quodam hujus sceleris auctor, saith *Spelman*. Heretofore both the *Ingrosser* and *Regrator* were comprehended under the Word *Forestaller*. 3 Inst. 195. and as such shall be punished. See *Forestallers* and *Ingrossers*.

*Regula*, The Word is often used for the Book of Rules or Orders, or Statutes in a religious Convent. Sometimes for the Martyrology, or Obituary.

*Regulars*, *Regulares*, Are such as profess to live under some certain Rule; such as *Monks* or *Canon Regulars*, who ought always to be under some Rule of Obedience.

*Regulbium*, *Reculver* in Kent.

*Regulus*, *Subregulus*, Are Words often mentioned in the Councils of the English Saxons: The First signifies Comes, the other *Viccomes*. But in many Places they signify the same Dignitary; as in the old Book in the Archives of Worcester Cathedral; *Ego Uthredus de Donante Regulus Wicciorum concessi fratribus*, &c. *Licentia Offe Regis Merciorum*. In another Place the same *Uthredus* subscribes himself *Subregulus Wigornia civitatis*. In another Place *Offa Rex Merciorum*, *Uthredus Regulus*, *Aldredus Subregulus*, &c. See *Subregulus*.

*Rehabere facias seisinam quando Vicecomes liberabit seisinam de majori parte quam deberet,*

Is a Writ Judicial. *Reg. Judic. fol. 13, 51.* There is another Writ of this Name and Nature, fol. 54.

*Rehabilitation*, *Rehabilitatio*, Anno 25 H. 8. cap. 21. Is one of those Exactions mentioned in that Statute, to be claimed by the Pope heretofore in England, and seems to signify a Bull or Breve, for reinabbling a Spiritual Person to exercise his Function, who was formerly disabled, or a restoring to a former Ability.

*Reis*, French *Raye*, i. radius, linea, tractus. In English a Rew or Raw. Prior Lewens, pag. 21. *Omnis Lanceta, omnis Toftman, & omnis Molman (qui non sedet super Ogeland) debent spargere unam reiam de fiens*, &c. that is, saith *Spelman* in his Glossary, *unum strigam, tractum vel versum stercoris*, Anglice a Rew of Muck or Dung, ad *stercorandum terras Domini*.

*Rejoinder*, *Rejunctio*, Signifies an Answer or Exception to a Replication; for First the Defendant puts in an Answer to the Plaintiff's Bill, which is sometimes called an Exception. The Plaintiff's Answer to that is called a Replication, and the Defendant's to that a Rejoinder, especially in Chancery. *West. Symbol. part 2. Tit. Chancery, sect. 56.* The Civilians call it *Duplicatio*, of which *Spigelius* hath these Words, *Est autem rejunctio seu Duplicatio vel allegatio, quæ datur reo ad infirmandam replicationem actoris & confirmandam exceptionem rei*.

*Reippus*, *Precium vidue emptæ Matrimonii causa*. A quo forte (saith *Spelman*) *lex nostra antiqua de maritagiis viduarum sumserit initium, forma licet diversa*. And it may seem to be derived from the Saxon *Rippan* vel *rypan*, i. metere, rapere, colligere; quasi id quod capitur vel colligitur ob maritandas viduas.

*Reif*, According to *Skene, Leg. Alexandri R. C. 2. paragr. 3.* signifies Robbery, and may be derived from the Saxon *Reaf*, *rapina*, *Reafian*, *spoliare*, as both from the Latin *rapere*.

*Reis* ver dissent Is a Form of Pleading, when an Heir is sued for a Debt of his Ancestor, and he hath not Assets in his Hand, nor any Lands liable to be extended.

*Rekpenis*. *Constit. Rob. Dunelm. Episc. Anno 1276. cap. 3.* Porro huic Sanctioni adjicimus, quod si plures liberi proprium habentes, in parentum pariter familia vivant, ad denarios qui vocantur *Rekpenis* minime arceantur, cum si communiter intrinsecis aluntur a parentibus, sic in extrinsecis ab eisdem latentur pariter se defendi.

*Relation*, *Relatio*, idem quod *fictio Juris*, To make a Nullity of a Thing from the Beginning (for a certain Intent) which had Essence. *Co. lib. 3. fol. 28.* *Butler* and *Baker's* Case: But more plainly thus, *Relation* is, where, in Consideration of Law Two Times, or other Things are considered so as if they were all one; and by this the Thing subsequent is said to take his Effect by *Relation* at the Time preceding. As if A. deliver a Writing to B. to be delivered to C. as the Deed of A. when C. hath paid a Sum of Money. Now when the Money is paid, and the Writing delivered, this shall be taken as the Deed of A. at the Time when it was first delivered. So Bills of Parliament, to which the King assents on the last Day of Parliament, shall relate and be of Force from the first Day of the Beginning of the Parliament, and so it is of divers other like Things.

*Relaration*,



Relaxation, Release, or Discharge, and sometimes only Mitigation.—— *Relaxation* of an Attachment in the Court of Admiralty. *Stat.* 22, 23. *Car.* 2.

*Release, Relaxatio*, Is an Instrument whereby Estates, Rights, Tithes, Entries, Actions, and other Things, be sometimes extinguished, sometimes transferred, sometimes abridged, sometimes enlarged. *West. Symbol. part* 1. *lib.* 2. *sect.* 509. and there is a *Release in Fact*, and a *Release in Law*. *Perkins's Grants*, 71. A *Release in Fact*, is that which the very Words expressly declare. A *Release in Law*, is that which doth acquit by Way of Consequence or Intendment of Law; an Example whereof you have in *Perkins ubi supra*. How these are available, and how not, see *Littleton* at large, *lib.* 3. *cap.* 8. And of the divers Sorts of *Releases*, see the *New Book of Entries*, verb. *Release*.

*Relegation, Relegatio*, A banishing, or sending away; as *Abjuration* is a forswearing of the Realm for ever, so *Relegation* is taken for a Banishment for a Time only. *Co. on Littl. fol.* 133.

*Relief, Relevamen*, But in *Domesday*, *Relevatio, relevium*, signifies a certain Sum of Money which the Tenant holding by Knights-Service, Grand Serjeanty, or other Tenure, for which Homage or legal Service is due; or by Socage, for which no Homage is due; and being at full Age at the Death of his Ancestor, paid unto his Lord at his Entrance. *Mag. Chart. cap.* 2. and 31 *E.* 1. *stat.* 1. *Bracton, lib.* 2. *cap.* 36. affirms, That it is called a Relief, *quia hereditas qua jacens fuit per antecessoris decessum, relevatur in manus heredum, & propter factam relevationem, facienda erit ab herede quadam Prestatio qua dicitur relevium*; and *Britton, cap.* 69. Of this also speaks the *Grand Customary of Normandy, cap.* 34. *The Lord of the Fee ought to have Relief of the Lands, which are held of him by Homage, when those die of whom he had Homage.* *Hottoman* in his *Commentaries, De verbis Feudalibus*, verb. *Relevium*, defines it thus, *Relevium est honorarium, quod novus vassallus Patrono introitus causa largitur, quasi morte vassalli alterius vel alio quo casu feudum ceciderit, quod jam a novo sublevetur.* What a legal and just Relief was in the Time of *Hen.* 2. appears partly from *Glanville, lib.* 9. *cap.* 4. *Dicitur autem rationabile relevium alicujus juxta consuetudinem Regni, de feodo unius militis centum solidi. de Socagio vero quantum valet census illius socagii per unum annum; De Baronis vero nihil certum statutum est, quia juxta voluntatem & misericordiam Domini Regis solent Baronie capitales de Releviis suis Domino Regi satisfacere.* But it was more certainly set out afterwards by *Magna Charta* in these Words, *Si quis Comitum vel Baronum nostrorum, sive aliorum tenentium, de nobis in Capite per servitium militare mortuus fuerit, & cum decesserit heres ejus plena etatis fuerit, & Relevium nobis debeat, habeat hereditatem suam per antiquum relevium, scil. Heres vel heredes Comitum de integro Comitatu per centum libras; heres vel heredes Baronis de Baronie integra, per centum marcas; heres vel heredes militis de feodo militis integro, per centum solidos ad plus; & qui minus habuerit, minus det, secundum antiquam consuetudinem feodorum.* See *Old Nat. Brev. fol.* 94. *Kitchin, fol.* 134. *cap.* Relief, and *Glanville, lib.* 7. *cap.* 9. See *Heriot. Skene de verbor. signif.* verb. *Relevium*, saith, Relief is a French Word, from the Latin *relevare*, which is to relieve, or take up that which is fallen; for it is given by

the Tenant or Vassal that is of perfect Age, after the Expiring of the Wardship to his superior Lord, of whom he held his Lands by Knights-Service, that is, by Ward and Relief: For by Payment thereof he relieves, and, as it were, raiseth up again his Lands after they were fallen down into his Superior's Hands, by Reason of Wardship, &c. See him at large. See 12 *Car.* 2. *cap.* 24.

Relief is otherwise thus explained, viz. A feudatory or beneficiary Estate in Lands, was at first granted only for Life, and after the Death of the Vassal it returned to the Chief Lord, for which Reason it was called *feudum caducum*, viz. fallen to the Lord by the Death of the Tenant; afterwards these feudatory Estates being turned into an Inheritance by the Connivance and Assent of the Chief Lord, when the Possessor of such an Estate died, it was called *hereditas caduca, i. e.* it was fallen to the Chief Lord, to whom the Heir having paid a certain Sum of Money, he did then *relevare hereditatem caducam* out of his Hands; and the Money thus paid was called a Relief. This must be understood after the Conquest; for, in the Time of the Saxons, there were no Reliefs, but *Heriots* paid to the Lord at the Death of his Tenant, which in those Days were Horses, Arms, &c. and such Tributes could not be exacted of the English immediately after the Conquest, for they were deprived of both by the Normans; and instead thereof, in many Places, the Payment of certain Sums of Money was substituted, which they called a Relief, and which continues to this Day.

*Relief reasonable*: It is likewise sometimes called *lawful* and *antient Relief*, which is enjoined by some Law, or becomes due by Custom, and doth not depend upon the Will of the Lord, viz. In a Charter of King John, mentioned by *Mat. Paris. pag.* 178. *Si quis Comitum vel Baronum nostrorum, sive aliorum tenentium de nobis in Capite, per servitium militare, mortuus fuerit, & cum decesserit heres suus plena etatis fuerit, & relevium debeat, habeat hereditatem suam per antiquum relevium.* And what that was we may read in the Laws of William the Conqueror, *cap.* 22. and of *Hen.* 1. *cap.* 14. and before that Time, in the Laws of Canutus, *cap.* 97. viz. The Relief of an Earl was Eight War-Horses with their Bridles and Saddles, Four Loricas, Four Helmets, Four Shields, Four Pikes, Four Swords, Four hunting Horses and a Palfrey with their Bridles and Saddles: The Relief of a Baron or Thane was four Horses, Two with Furniture, and Two without, Two Swords, Four Lances, Four Shields and an Helmet, *cum lorica*, and Fifty Marks in Gold. The Relief of a Vavasor was his Father's Horse, his Helmet, Shield, Lance and Sword, which he had at his Death. The Relief of a Villain or a Countryman was his best Beast, &c.

*Religious Men, Religiosi*, Are such as enter into a Monastery or Convent, there to live devoutly. In antient Deeds of Sale of Land, we often find the Vendee restrained from giving or alienating it *Viris religiosis vel Judeis*, to the End the Land might not fall into Mortmain. See *Judaism. Rex Vicecom. &c. Præcipimus tibi quod clamari facias sine dilatione per comitatum tuum quod nulli, sicut diligunt corpora & catalla sua, malum faciant vel dicant viris religiosis & clericis contra pacem nostram: Et si quem inde attingere possimus, ad proximam quercum eum suspendi faciemus.* T. me- ipso

ipso apud Marlebergh, ix Apr. *Claus. 9. Joh. m. 3.*

**Religious Houses, Religioſe Domus,** Are Houſes ſet a-part for pious Uſes, ſuch as are *Monaſteries, Churches, Hospitals,* and all other Places where Charity is extended to the Relief of the Poor and Orphans, or for the Uſe or Exerciſe of Religion. See *Notitia Monaſtica*, or a ſhort Hiſtory of the religious Houſes in *England and Wales*, by *Thomas Tanner, Oſſavo*, who in an Alphabetical Order of Counties, has accurately given a full Account of the Founders, the Time of Foundation, the tutelar Saints, the Order, the Value at the Diſſolution, with Reference to printed Authors, and Manuſcripts that preſerve any Memoirs relating to each Houſe; with a learned and judicious Preface of the Inſtitution of religious Orders, &c.

**Reliques, Reliquie,** Are ſome Remainders of Saints that are dead, preſerved by ſome living with great Veneration, as ſacred Memorials of them; forbidden to be uſed or brought into *England* by ſeveral of our later Statutes.

**Remainder, Remanentia,** Is an Eſtate limited in Lands, Tenements or Rents, to be enjoyed after the Expiration of another particular Eſtate. For Example, A Man may let to one for Term of his Life, and the Remainder to another for Term of his Life. *Lio. cap. Atturment, fol. 133.* And this Remainder may be either for a certain Term, or in Fee-ſimple, or Fee-tail, as appears by *Broke, Tit. Donee & Remainder, fol. 245.* and *Glanville, lib. 7. cap. 1.* where, towards the End, he hath theſe Words, *Notandum quod nec Episcopus nec Abbas, quia eorum Baronie ſunt de Eleemoſyna Domini Regis & Antecellorum ejus, non poſſunt de Dominicis ſuis aliquam partem dare ad remanentiam ſine aſſenſu & confirmatione Domini Regis*, where it appears, that *Dare ad remanentiam* is to give away for ever; and again, *cap. 9.* In like Sort doth *Bratton* uſe it, *lib. 2. cap. 23.* and *lib. 4. traſt. 2. cap. 4. num. 4.* and the *New Book of Entries*, verb. *Remainder.* The Difference between a Remainder and Reverſion, according to *Spelman*, is this, That by a *Reverſion*, after the appointed Term, the Eſtate returns to the Donor, or his Heirs, as the proper Fountain; whereas by *Remainder* it goes to ſome Third, or a Stranger.

**Remanentes, Remanſi,** Theſe Words are uſed in the Register of *Domeſday*, to ſignify pertaining or belonging. *As de hominibus qui buic manerio remanſi ſunt, i. e.* Of the Men or Tenants belonging to this Manor.

**Remembrancers of the Exchequer, Rememoratores Scaccarii,** Are Three Officers or Clerks there, One called *The King's Remembrancer*, 25 *Eliz. cap. 5.* The Second, *The Lord Treafurer's Remembrancer*, upon whoſe Charge it lies, to put the Lord Treafurer and the Reſt of the Judges of that Court in Remembrance of ſuch Things as are to be called on, and dealt in, for the King's Behoof. The Third is called *The Remembrancer of the Firſt-Fruits*. 5 *R. 2. ſtat. 1. cap. 14, 15.* Theſe in 37 *E. 3. cap. 4.* be called Clerks of the Remembrance. *The King's Remembrancer* Enters in his Office all Recogniſances taken before the Barons for any the King's Debts, or for Appearance, or for obſerving of Orders: He takes all Bonds for the King's Debts, for Appearance, or for obſerving Orders, and maketh out Proceſs for the Breach of them. He writes Proceſs againſt the Collectors of Customs, Subſidies, and

Fifteenths, for their Accounts: All Informations upon penal Statutes are entred in his Office, and there all Matters upon *Engliſh* Bills in the Exchequer-Chamber remain: He makes the Bills of Compoſitions upon penal Laws, takes the Stalment of Debts, has delivered into his Office all Manner of Indentures, Fines, and other Evidences whatſoever, that concern the aſſuring of any Lands to the Crown: He every Year, in *Craſſino animarum*, reads in open Court the Statute for Election of Sheriffs, and gives them their Oath; and he reads in open Court the Oath of all the Officers of the ſame when they are admitted, beſides many other Things. *The Lord Treafurer's Remembrancer* makes Proceſs againſt all Sheriffs, Eſcheators, Receivers and Bailiffs, for their Account. He makes Proceſs of *Fieri facias* and *Extent* for any Debts due to the King either in the Pipe, or with the Auditors; makes Proceſs for all ſuch Revenue as is due to the King, by Reason of his Tenures: He makes a Record, whereby it appears, whether Sheriffs or other Accountants pay their Proſers due at *Eaſter* and *Michaelmas*. He makes another Record, whether Sheriffs and other Accountants keep their Days of Prefixion. All Eſtreats of Fines, Iſſues and Amerciaments, ſet in any Courts at *Weſtmiſter*, or at the Aſſiſes or Seſſions, are certified into this Office, and are by him delivered to the Clerk of the Eſtreats, to write Proceſs upon them, &c. There are alſo brought into his Office all the Accounts of Cuſtomers, Controllers and other Accountants, to make Entry thereof on Record. See the *Repertory of Records*, fol. 121. *The Remembrancer of the Firſt-Fruits* takes all Compoſitions and Bonds for Firſt-Fruits and Tenths, and makes Proceſs againſt ſuch as do not pay the ſame.

**Remitter, Remittere,** To reſtore, in a legal Senſe intends a Reſtitution of one that hath Two Titles to Lands or Tenements, and is ſeiſed of them by his later Title, which proving defective, he is reſtored to the former and more antient Title. *F. N. B. fol. 149. Dyer, fol. 68. num. 22.* In what Caſe this may be granted, ſee *Bro. Tit. Remitter.* And in *Doct. and Student, cap. 9. fol. 19.* it is ſaid, that if Land deſcend to him that hath Right to that Land before, he ſhall be remitted to his better Title, if he will. See *Terms de la Ley* on this Word, and the *New Book of Entries*, and *Co. on Lit. lib. 3. cap. 12.*

**Renant, Anno 32 H. 8. cap. 2.** But it may be ſuppoſed a Miſtake for *Reniant*, i. *Negans*, Participle of the French Verb *Renior*, *negare*.

**Render** Cometh of the French *Rendre*, i. *reddere, retribuere*, and ſignifies with us the ſame Thing. For Example, this Word is uſed in levying of a Fine, which is either *ſingle*, whereby nothing is granted or rendered back again by the Cogniſee to the Cogniſor; or *double*, which containeth a Grant or Render back again of ſome Rent, Common, or other Thing, out of the Land it ſelf to the Cogniſor, &c. *Weſt. Symbol. part 2. Tit. Fines, ſect. 21. and 50.* Alſo there be ſome Things in a Manor that lie in *Prender*, that is, which may be taken by the Lord or his Officer, when they chance, without any Offer made by the Tenant, as *Eſcheats*, and the like; and ſome that lie in *Render*, that is, muſt be delivered or answered by the Tenants, as *Rents, Reliefs, Heriots*, and other Services, *ibid. ſect. 126.* Alſo ſome Service conſiſts in *Sciſſance*, ſome in *Render*. *Perkins's Reſervations 696.*

**Rendualis**, Money which is paid every Year, *Anglice* Rent. *Mille solidos Rendualium seu Annuatium.* Du Cange.

**Renegate**, Which we corruptly call *Runnegate*, is one who was a Christian, and afterwards *negat Christum*: It is mentioned in *Hoveden*, Anno 1192. by the Name of *Reneez*, viz. *Et cepit in equitatione illa 24 paganos, & unum Reneez qui quondam Christianus fuerat, & Dominum Christum negaverat.*

**Renegz**, A *Renegado*, is derived from the French *Renier*, *renegare*, and is a Title given to such who apostatize from Christianity to *Mahumatisim*. *Hoveden* in *Rich.* 1. sub Anno 1122. *Cepit (saith he) in equitatione illa 24 Paganos & unum Reneez qui quondam Christianus fuerat & Dominum nostrum Jesum Christum negaverat; & Rex posuit eum ad sagittandum & sagittatus est.*

**Renegido**, Per *Renegeld* *Johannes Stanley Arm.* *Clamat habere de qualibet bovata terra infra feodum de Alford 1 d. exceptis Dominicis terra, & terris in feodo pradiſto infra Hundred de Macclesfield.* Rot. Plac. in Itin. apud Cestr. 14 H. 7.

**Renovant**, From *Renovo*, to renew: *The Parson sued one for Tithes, to be paid of Things Renovant, but his Horse being only for Labour and Travel would not renew,* &c. Cro. 2 par. fol. 430.

**Rent**, *Reditus*, It is called *reditus* in Latin, from *redeundo* because as *Fleta* tells us, *retrofit & quotannis redit.* Lib. 3. c. 14. and it signifies with us a Sum of Money, or other Consideration issuing yearly out of Lands or Tenements. *Plowden*, fol. 132, 133, 141. *Browning's Case*; of which there are Three Sorts, viz. *Rent-service*, *Rent-charge*, and *Rent-ſeck*. *Rent-service* is, where a Man holds his Lands of his Lord by Fealty and certain *Rent*, or by Fealty-service, and certain *Rent.* Lit. lib. 2. cap. 12. or that which a Man making a Lease to another for Term of Years, reserveth yearly to be paid him for them. In the *Terms of the Law*, this Reason is given for it, because it is at his Pleasure either to distrain, or bring an Action of Debt. *Rent-charge* is, where a Man makes over his Estate to another, by Deed indented, either in Fee, or Fee-tail, or for Term of Life, yet reserves to himself, by the same Indenture, a Sum of Money yearly to be paid to him, with Clause of Distress for Non-payment. See *Littleton ubi supra*. *Rent-ſeck*, otherwise a dry *Rent*, is that, which a Man making over his Estate by Deed indented, reserveth yearly to be paid him, without Clause of Distress mentioned in the Indenture. Lit. *ibid*. See the Difference between a *Rent* and an Annuity in *Doſtor and Student*, pag. 30. Dial. primo. See *Metegavel*.

**Rentale** Signifies *Rent*: *Deinde petatur Rentale Burgi per quod firma perticarum terra leventur.* Du Cange.

**Rents of Assise**, *Redditus assise*, de *assise*, vel *redditus assisus*. The certain and determined *Rents* of ancient Tenants paid in a set Quantity of Money or Provisions; so called because it was assised or made certain, and so distinguished from *redditus mobilis*, variable *Rent*, that did rise and fall, like the Corn-Rent now reserved to Colleges.

**Rents Resolute**, *Redditus resoluti*, Are accounted among the Fee-farm *Rents*, to be sold by the Statute of 22 Car. 2. cap. 6. And are such *Rents* or Tenth's as were antiently payable to the Crown, from the Lands of Abbies and religious

Houses; and after their Dissolution, notwithstanding the Lands were demised to others, yet the *Rents* were still reserved, and made payable again to the Crown.

**Renusiator**. *Et sunt Communes Latrones & Renusiatores hominum, &c.* Trin. 28 E. 3. Ebor. 37. q.

**Reparatione facienda** Is a Writ which lies in divers Cases, whereof one is, where Three be Tenants in Common, or Joint-tenants, or pro indiviso of a Mill or House which is fallen into Decay, and the one being willing to repair it, the other Two will not: In this Case the Party willing shall have this Writ against the other Two. F. N. B. fol. 127. Of the various Uses of it, read *Reg. Orig.* fol. 153.

**Repastum**, A Repast or Meal, *unum repastum*, one Meal's Meat given to servile Tenants, when they laboured for their Lord. — *Tenet in bondagio, & debet unam wedbedrip pro voluntate Domini, & habebit unum repastum.* Paroch. Antiq. pag. 401.

**Repeal** Cometh from the French *Rappell*, *revocatio*, and hath the same Signification among us; as the *Repeal* of a Statute is the Revoking it. *Rastall*, Tit. *Repeal*. Broke useth *Repellance* in the same Sense.

**Repleader**, (*Replacitare*) Is to plead again that which was once pleaded before. *Rastall*, Tit. *Repleader*, and *New Book of Entries*, Eodem Tit.

**Replegiare** Is properly to redeem a Thing detained or taken by another, by putting in legal Sureties. See *Replevin* and *Second Deliverance*.

**Replegiare de averiis** Is a Writ brought by one whose Cattle are distrained, or put in the Pound, upon any Cause, by another, upon Surety given to the Sheriff to prosecute or answer the Action in Law. Anno 7 H. 8. cap. 4. F. N. B. f. 68. See the *Register Orig.* divers Sorts of this Writ in the Table, and also in the *Register Judicial*, fol. 58, 70. The *New Book of Entries*, verb. *Replevin*, and *Dyer*, fol. 173. num. 14.

**Replevin**, *Plevina*, Is a Derivation of *Replegiare*, to deliver to the Owner upon Pledges, and is the Bringing of the Writ called *Replegiare facias* by him that has his Cattle, or other Goods distrained, by another, for any Cause, and putting in Surety to the Sheriff, that upon Delivery of the Thing distrained, he will prosecute the Action against the Distrainer. Co. on Lit. lib. 2. cap. 12. sect. 219. We read of *Canes replegiati*, Hounds replevied, in a Case between the Abbot of St. Albans, and *Geoffery Childwick*. 24 Hen. 3. Goods may be replevied Two Manner of Ways, by Writ, and that is by the Common Law, or by Plaint, and that is by Statute Law, for the more speedy having again of their Cattle and Goods. *Replevy* is also used for the Bailing of a Man. *Staundf. Pl. Cor.* fol. 72, 74. and *Westm.* 1. cap. 11. & 15. *Replegiare est reposcere bona mobilia dato apud Præfectum vade five fide-jussore; sane & Anglis breve per quod bona ea reposcerent, to Replevin, &c.* *Vossius de Vitis sermonis*, lib. 2. cap. 25. See *Skene eod. verbo*.

**Repleviss**, *Replegiare*, Is to let one to Mainprise upon Surety. Anno 3 E. 1. cap. 11.

**Replication**, *Replicatio*, Is an Exception of the Second Degree, made by the Plaintiff upon the first Answer of the Defendant. *West. Symbol. part 2. Tit. Chancery*, sect. 55. and *Westm.* 2. cap. 36.

It is also that which the Plaintiff *replies* to the Defendant's Answer in Chancery; and this is either *General* or *Special*. *Special* is grounded upon Matter arising out of the Defendant's Answer, &c. *General* is so called from the general Words therein used.

**Report**, *Reportus*, Is a publick Relation of Cases judicially argued, debated, resolved, or adjudged in any of the King's Courts of Justice, with the Causes and Reasons of the same delivered by the Judges. *Co. on Lit. fol. 293.* Also when the Chancery, or other Court, refer the Stating of some Case, or comparing an Account, &c. to a *Master of Chancery*, or other Referree, his Certificate therein is called a *Report*.

**Repossession of the Forest**, *Repositio Foresta*, Was an Act whereby certain Forest Grounds being made *Parliu* upon View, were by a Second View laid to the Forest again. *Manwood, part 1. pag. 178.*

**Repositus**, *i. e.* Secret or private: It is mentioned in *Malmesbury, Lib. 4. cap. 2. viz. Illud repositum prepositum non ita vulgabatur.*

**Reprisals**, (*Reprisalia*) From the French *Reprise*, *i. e.* *Recaptio, vel captio rei unius in alterius satisfactionem*) is all one in the Common and Civil Law. *Reprisalia est potestas pignoriandi contra quemlibet de terra debitoris data creditori pro injuriis & damnis acceptis. Vocabular. utriusq; juris.* This among the antient Romans was called *Clarigatio*, of the Verb *Clarigo, i. res clare repetere*. It is named in the Stat. 27 E. 3. stat. 2. cap. 17. *Law of Marque*, because one for Defect of Justice in another Territory, redresseth himself by the Goods belonging to Men of that Territory, taken within his own Bounds.

**Reprises** Is commonly taken for Deductions and Duties which are yearly paid out of a Manor and Lands, as *Rent-charge, Rent-seck, Pensions, Corrodies, Annuities, Fees of Stewards or Bailiffs, &c.* Wherefore when we speak of the clear yearly Value of a Manor, we say it is so much *per annum ultra reprises*, besides all *Reprises*.

**Reprise** May be derived from the French *Repris*, that is taken back: So that to *Reprive*, is properly, to take back, or suspend, a Prisoner from the Execution and Proceeding of the Law for that Time.

**Repsilver**. *Tempore quo villa S. Edmundi nomen & libertatem Burgi accepit, solebant Homines de singulis domibus dare Cellarario unum denarium in principio Augusti ad metendum segetes nostras, qui census dicebatur Repsilver.* — *Ex Cartular. S. Edmundi MS. penes Joh. Episc. Norwic. fol. 316.* From whence, and other Records, it is evident, that the servile Tenants were bound to reap for their Lord; and to be excused from that Labour, they paid some Acknowledgment in Money, as a Compensation for Discharge of the Work, and as a Mark of their former Tenure and Dependence. Which Money was called *Repsilver*, because paid for Exemption from the customary Duty of Reaping for the Lord.

**Reputatio**, The same with *Respectus, i. e.* *Respite* or Delay. *Sine Reputatione reddat debitum. Canon. Hibern. lib. 33. cap. 4.*

**Requisition**, *Curia requisitionum*, See in *Court*. It is utterly taken away by Act of Parliament; but you may read of it in *Gwin's Preface to his Readings*, and elsewhere. The Place where this Court

was held, was antiently called *Camera alba*. *Rot. Parl. Anno 17 Ed. 3.*

**Rere County**, — *Writs shall be delivered in the full County, or Rere County. Statute 2 Edw. 3. cap. 5. — Et pro Fine Secta Curia vocat. Rere Counte. Comp. tem. Hen. 6. See Rier County.*

**Resceit**, *Receptio*, Is an Admission, or Receiving a Third Person to plead his Right in a Cause formerly commenced between other Two. *New Book of Entries, verb. Resceit.* As if Tenant for Life or Years brings an Action, he in the Reversion comes in, and prays to be received to defend the Land, and to plead with the Demandant. See *Bro. Tit. Resceit, f. 205.* and *Perkins's Dower, 448.* The Civilians call this *Admissionem tertii pro suo interesse*. *Resceit* is also applied to an Admittance of Plea, tho' the Controversy be only between Two. See *Broke, Tit. Estoppel*, and *Co on Lit. fol. 192.*

**Resceit of Homage**, *Receptio Homagii*, Is the Lord's Receiving Homage of his Tenant at his Admission to the Land. *Kitchin, fol. 148.* See *Homage*.

**Rescous**, *Rescussus*, Comes from the French *Rescousse, i. Liberatio*, is a Resistance against lawful Authority; as if a Bailiff, or other Officer, upon a Writ do arrest a Man, and others by Violence take him away, or procure his Escape; this is a *Rescous in Fact*. So if one distrain Beasts for Damage-feasant in his Ground, as he drives them in the Highway towards the Pound, they enter into the Owner's House, and he with-holds them there, and will not deliver them upon Demand, this Detainer is a *Rescous in Law*. *Co. on Lit. lib. 2. cap. 12. Cassaneus in his Book De Consuetud. Burg. f. 294.* hath the same Word coupled with *resistentia*: It is also used for a Writ which lies for this Fact called *Breve de Rescussu*, whereof you may see both the Form and Use in *E. N. B. fol. 101. Reg. of Writs, fol. 125.* and *New Book of Entries, verb. Rescous*. This in some Cases, in Matters relating to Treason, is Treason; and in Matters concerning Felony, is Felony. *Crompt. Just. fol. 34.*

**Rescussor** Is he that commits such a *Rescous*. *Cro. Rep. 2 par. fol. 419.*

**Resetter**, *Refeiser*, Is a Taking again of Lands into the Hands of the King, whereof a general Livery, or *Oufter le maine*, was formerly mis-sued, contrary to the Form and Order of Law. *Staundf. Prærog. 26.* See *Resumption*.

**Reservation**, *Reservatio*, A keeping or providing; as when a Man lets his Land, he reserves a Rent to be paid to himself for his Maintenance. Sometimes it signifies as much as an Exception; as when a Man lets a House, and reserves to himself one Room, that Room is excepted out of the Demise. See *Perkins's Reservations per totum*, and *Terms de la Ley, eodem verbo*.

**Reset**, *Skene* hath that in one Place, and *Resetter* in another Place; in both which he expounds it to signify the Receiving or Receiver of a proscribed or outlawed Person, and may be derived from our English Word *Receit*.

**Resiance**, *Resantia*, Seemeth to come from the French *Resseant* or *Resseant*, Resident, and signifies a Man's Abode or Continuance in a Place. *Old Nat. Brev. fol. 85.* Whence also comes the Participle *resiant*, that is, continually dwelling or abiding in a Place. *Kitchin, fol. 33.* It is all one



one indeed with Residence, but that Custom ties this only to Persons Ecclesiastical. *Veteri autem jure nostro* (saith *Spelman*) *etiam* & *Scotico aliud significat, utpote morbum validum seu veteranum, quo quis exire de suis adibus prohibetur: Effonium agitur quod de malo lecti nuncupatur, hoc est excusatio quod ratione infirmitatis sistere se in foro non valeat, effonium nuncupant de releantisa. Glanville, lib. 1. cap. 11. Quandoq; intervenit (effonium) ex infirmitate de releantisa. Ubi in margine notatur, effonium de releantisa idem valet quod effonium de malo lecti. And all these seem to be drawn from the French, who say, *Exire de mal releant*. See *Skene de verb. signif. verb. Releantisa*.*

**Residence, Residentia,** Is derived from the Latin Word *Residere*, and is peculiarly used both in the Common and Canon Law, for the Continuance or Abode of a Parson or Vicar upon his Benefice. The Default whereof (except the Party be qualified and dispensed with) is the Loss of Ten Pounds every Month. *Anno 28 H. 8. cap. 13.*

**Residens** Is a Tenant who is bound *residere* on his Lord's Lands, and not to go from thence. *Leg. H. 1. cap. 43. Quantumcunque de aliis teneat, ei magis obnoxius est, & ejus residens esse debet cujus legius est.*

**Resignation, Resignatio,** Is used particularly for the giving up of a Benefice into the Hands of the Ordinary, otherwise by the Canonists termed *Renunciatio*. And though it signify all one in Nature with the Word *Surrender*, yet it is by Custom restrained to the yielding up a Spiritual Living, and *Surrender* to the giving up of Temporal Lands into the Hands of the Lord. And a *Resignation* may now be made into the Hands of the King, as well as of the Diocesan, because he hath *Supremam Auctoritatem Ecclesiasticam*, as the Pope had here in Times past *Plowden, fol. 498. Grendon's Case.*

**Resort, or Ressort,** Is a Word properly used in a Writ of *Tail* or *Cousenage*, as *Descent* is in a Writ of *Right*. In French it signifies the Authority or Jurisdiction of a Court, *Salvo tamen tam ressorto quam aliis jure nostro & etiam jure alieno.* Lit. Pat. *Phillippi le Hardy Reg. Francie*, mentioned by *Spelman* in his Glossary. *Dernier resort*, last Refuge.

**Respectu computi Vicecomitis habendo** Is a Writ for the *Respite* of a Sheriff's Account, upon just Occasion; directed to the Treasurer and Barons of the Exchequer. *Register, fol. 139 & 179.*

**Respicere, i. e.** To consider. *Knighton* mentions it in a Judgment for High Treason, *Anno 1331. viz. Omnes articuli superius de dicto Rogero attestati veri sunt & notorii, unde respiciatum & adjudicatum est quid pr. dictus Rogerus ut proditor & inimicus Regis & Regni distractus sit & suspensus.*

**Respite, Respectus,** It is used for Delay, Forbearance, or Continuance of Time. *Glanville, lib. 12. cap. 9. in breve Regis. Præcipio tibi quod poni facias in respectum, usq; ad aliquem terminum competentem.*

**Respite of Homage, Respectus Homagii,** Is the Forbearing of Homage which ought first of all to be performed by the Tenant that holdeth by Homage; and it had the most frequent Use in such as held by Knights-service in *Capite*, who did pay into the Exchequer every Fifth Term some small Sum of Money, to be respited the doing of their Homage. See the Stat. 12 Car. 2. cap. 24.

whereby this is taken away as a Charge incident or arising from Knights-service, &c.

**Respondeat superioꝝ,** Where the Sheriffs are removeable for Insufficiency, (as in London) *respondeat Superior*, that is, the Mayor and Commonalty of London. *Pur insufficiency del Bayliff d'un liberty, respondeat Dominus libertatis.* 44 E. 3. 13. 4 Inst. fol. 114.

**Responsalis, Qui responsum desert.** He who gives an Answer, is he that appears for another in Court at a Day assigned, concerning whom hear *Glanville, lib. 12. cap. 1.* — *Placita in superioribus exposita* — *Prosequi quis potest sicut alia qualibet placita civilia, tam per seipsum quam responsalem suo loco positum, &c.* But *Fleta* make a Difference between *attornatum, effoniatorem & responsalem, lib. 6. c. 11. sect. Officium.* As if *effoniator* came only to declare the Cause of the Party's Absence, whether Demandant or Tenant; and *Responsalis* came for the Tenant, not only to excuse his Absence, but also signify what Trial he meant to undergo, viz. the Combat or the Country. A Man in ancient Time could not appoint an Attorney for him, without Warrant from the Court. *Fleta, lib. 6. cap. 13.* See *Attorney*. This Word is used in the Canon Law, & significat *Procuratorem vel eum qui absentem excusat.*

**Responsions, Responsiones,** Seems to be a Word chiefly used by the Knights of *St. John of Jerusalem*, for certain Accounts made to them by such as held their Lands or Stocks. *Anno 32 H. 8. cap. 24. In Rot. Parl. 9 Rich. 2.* it is written *Responsies.*

**Responsum, i. e.** Business: The Word is used in this Sense by *Florence of Worcester*, who tells us, That Pope *Alexander* sent two Persons to *Edw. 1.* *pro Responsis Ecclesiasticis.*

**Restare, i. e.** To stay or stop: It is mentioned in *Matt. Paris. 515, viz. Equos & homines meos fecit restare, donec pagium extorisset.*

**Restitutio, Restitutio,** Is the Yielding up again, or Restoring of any Thing unlawfully taken from another. But it is most frequently used in the Common Law for the setting him in Possession of Lands or Tenements that hath been unlawfully disseised of them; which when it is to be done, and when not, see *Crompton's Justice of Peace, fol. 144. usq; ad 149.*

**Restitutio extracti ab Ecclesia** Is a Writ to restore a Man to the Church, which he had recovered for his Sanctuary, being suspected of Felony. *Reg. Orig. fol. 69.*

**Restitutio temporalium** Is a Writ that lies where a Man being elected and confirmed Bishop of any Diocese, and hath the King's Royal Assent thereto, for the Recovery of the Temporalities, or Barony of the said Bishoprick: And it is directed from the King to the Escheator of the County, the Form whereof may be read in *Reg. Orig. fol. 294. and E. N. B. fol. 169.*

**Resummons, Resummonitio,** Is a Decompound of *Re, sub* and *monetio*, and signifies a Second Summons, and calling of a Man to answer an Action, where the First Summons is defeated upon any Occasion, as the Death of the Party, or such like. See *Bro. Tit Resummons, fol. 214.* Of these there are Four Sorts, according to Four divers Cases in the Table of the *Register Judicial, fol. 1.* and *New Book of Entries, verb. Reattachment and Resummons.*

**Resumption, Resumptio,** Is a Word used in the Statute of 31 H. 6. cap. 7. particularly to signify the Taking again into the King's Hands such

Lands or Tenements as before, upon false Suggestion, or other Error, he had delivered to the Heir, or granted by Letters Patent to any Man. Bro. Tit. Repellance & Resumption, fol. 298. 31 H. 6. cap. 7. and 19 H. 7. cap. 10. See Reseifer.

**Retail**, (Anno 3 & 4 Edw. 6. cap. 21.) Qui rem integram ementes, per miniores eam partes distrabebant. Anglice, to buy by Great, and sell by Retail, i. e. by Parcels.

**Retare**, *Arretare*, *Refare*, ad rectum vocare. To sue, implead, or prosecute. Idem Brianus quosdam retavit de foresta Domini Regis in eadem curia iudicium suum de furto, de quo primum retatus fuerit, recepturus fuit. Cartular. Radings. MS. fol. 176. a.

**Retatio**, The retting or ritting of Flax or Hemp, i. e. Exposing it to the Sun, or Steeping it in the Water, till it is ripened and made fit to run. Inter antiquas consuetudines Abbatis S. Edmundi. Item Cellerarius solet accipere theoloneum de lino tempore retationis, scil. unam retam de qualibet cerva vel romula. Cartular. S. Edmundi. MS. fol. 314.

**Retaining Fee**, *Merces retinens*, Is the First Fee given to any Serjeant or Counsellor at Law, whereby to make him sure that he shall not be on the contrary Part: It is *Honorarium seu premium causidici preedaneum*, quo clienti suo obligatur ne adversarii causam agat.

**Retainer**, From the Latin *retinere*, signifies in a legal Sense a Servant, but not Menial or Familiar, that is, not continually dwelling in the House of his Master, but only wearing his Livery, and attending sometimes upon special Occasions. This Livery was wont to consist of Hats, (or Hoods) Badges, or other Suits of one Garment by the Year; and were many Times given by Lords and Great Men, upon Design of Maintenance and Quarrels, and therefore justly forbidden by several Statutes, as 1 R. 2. cap. 7. upon Pain of Imprisonment, and grievous Forfeiture to the King; And again, 16 R. 2. cap. 4. 20 R. 2. cap. 1. and 1 H. 4. cap. 7. by which the Offenders should make Ransom at the King's Will; and any Knight or Esquire thereby duly attainted, should lose his said Livery, and forfeit his Fee for ever, &c. Which Statute is further confirmed and explained by 2 H. 4. cap. 21. 7 H. 4. cap. 3. and 8 H. 6. cap. 4. And yet this Offence was so deeply rooted, that Edward the Fourth was necessitated to confirm the former Statutes, and further to extend their Meaning, as appears by 8 E. 4. cap. 2. adding a special Penalty of Five Pounds upon every Man that gives such Livery, and as much on every one so retained either by Writing, Oath or Promise, for every Month. These are by the Feudists called *Affidati*, sic enim dicuntur qui in alicujus fidem & tutelam recepti sunt. And as our Retainers are here forbidden, so are those Affidats in other Countries. But most of the above-mentioned Statutes are repealed by 3 Car. 1. cap. 4.

**Retenementum**, *Restraint*, *Detainment*, *Withholding*. A full and absolute Conveyance was anciently made in this Phrase, *Sine ullo retenemento*.

**Retentia**, for *Retinentia*, i. e. A Retinue.

**Retepenny**, A Rate-penny, or customary Due of One Penny for each Person to the Parish-Priest. In the Synodal Statutes of Robert Bishop of Durham, Anno 1276. cap. 3. *De rebus liberorum*

*decimandis, & mortuariis inde solvendis.* Porro hoc Sanctioni adjicimus, quod si plures liberi proprium habentes, in parentum pariter familia vivant, ad denarios qui vocantur Rete-penis minime arceantur: Cum sicut communiter intrinsecus aluntur a parentibus, sic in extrinsecis ab eisdem latentur pariter se defendi.

**Retinentia**, *Retinue*, or Persons retaining to a Prince or Nobleman. Ad inquirendum de numero retinentie prefati Johannis ab ultimo adventu suo in Hiberniam, & de continuatione ejusdem retinentie. Pat. 14 Ric. 2. pag. 2. m. 8.

**Retractus aquæ**, *Ebb*, or low Water, the Retreat of the Tide. The Expression occurs in *Placit. coram Rege Pasch. 30 Edw. 1. apud Cantuar. Rot. 58.*

**Retrahit** Is so called, because that Word is the effectual Word in the Entry, and is where the Plaintiff or Demandant comes in Person into the Court, and says, *He will proceed no further*. And this is a Bar of all other Actions of like or inferior Nature, *Qui semel actionem renunciavit, amplius repetere non potest*. Co. on Lit. lib. 2. cap. 11. sect. 288. The Difference between a *Nonsuit* and a *Retrahit*, is, that a *Retrahit* is ever when the Demandant or Plaintiff is present in Court; but a *Nonsuit* is upon a Demand made, when he should appear, and he makes Default. *Retrahit* (as we said) is a Bar, so is not a *Nonsuit*, for he may commence an Action of like Nature again.

**Retropannagium**, *After-Pannage*, or the Running of Hogs in a Forest or Park, when the Acorns or Mast is eaten, and little left, but Hips, Haws, &c. *Et debent habere retropannagium a Festo S. Martini usque ad Festum purificationis. Beata Maria Petiti in Par. temp. Ed. 3.*

**Return**, *Returna* vel *retorna*, Cometh of the French *Retour*, i. e. *reversio*, *recursus*, and in our Law hath Two particular Applications; the One is, the *Return* of Writs by Sheriffs and Bailiffs, which is only a Certificate made to the Court of that which he hath done, touching the Execution of their Writ directed to him. And this among the *Civilians* is termed *Certificatorium*; of *Returns* in this Signification speaks the Statute of *Westm. 2. cap. 39.* So is the *Return* of a Commission a Certificate or Answer to the Court of that which is done by the Commissioners, Sheriff, Bailiff, or other, to whom such Writs, Commissions, Precepts or Mandates are directed. Also certain Days in every Term are called *Return-Days*, or *Days in Bank*; and so *Hillary-Term* hath Four Returns, viz. *Ostabis Hillarii, Quindena Hillarii, Crastino Purificationis* and *Ostabis Purificationis*. Easter-Term Five, viz. *Quindena Pasche, Tres Pasche, Mense Pasche, Quinq; Pasche*, and *Crastino ascensionis Domini*. Trinity-Term Four, i. e. *Crastino Trinitatis, Ostabis Trinitatis, Quindena Trinitatis, Tres Trinitatis*; and *Michaelmas-Term* Six, to wit, *Tres Michaelis, mense Michaelis, Crastino animarum, Crastino Martini, Ostabis Martini, Quindena Martini*. See the Statutes of Days in Bank, 51 H. 3. 32 H. 8. cap. 21. and 17 Car. c. 6. The other Application of this Word is in Case of *Replevin*; for if a Man distrain Cattle for Rent, &c. and afterwards justify or avow his Act, so as it is found lawful, the Cattle before delivered unto him that was distrained, upon Security given to follow the Action, shall now be returned to him that distrained them. Bro. Tit. Returns d'avers & hommes, fol. 218. and F.N.B. in his Table verb. Return.

**Returno**

**Retorno habendo** Is a Writ that lies for him that has avowed a Distress made of Cattle, and proved his Distress to be lawfully taken, for returning to him the Cattle distrained, which before were replevied by the Party distrained, upon Surety given to prosecute the Action; or when the Plaintiff or Action is removed by *Recordari*, or *Accedas ad Curiam*, into the Court of Common Pleas, and he whose Cattle were distrained makes Default, and doth not prosecute his Suit.

**Returum averiozum** Is a Writ Judicial, granted to one impleaded for the Taking the Cattle of another, and unjust detaining them *contra vadum & Plegios*, and appearing upon Summons, is dismissed without Day, because the Plaintiff makes Default; and it lies for the Return of the Cattle to the Defendant, whereby he was summoned, or which were taken for Security of his Appearance upon the Summons. *Register Judicial*, fol. 4. a.

**Returum irreplegiabile** Is a Writ Judicial, sent out of the Common Pleas to the Sheriff, for the final Restitution or Return of Cattle to the Owner, unjustly taken by another, as *Damage-feasant*, and so found by the Jury before Justices of Assize in the County, or otherwise by Default of Prosecution. *Reg. Judic.* fol. 27.

**Rebr**, alias **Gerbr**, From the Saxon Word *Grefa*, *Præfectus*. Lamb.'s *Explication of Saxon Words*, verb. *Præfectus*, signifies with us the Bailiff of a Franchise or Manor, especially in the Western Parts of England: Hence *Shire-reeve* for Sheriff. See *Kitchin*, fol. 43. See *Greve* and *Sheriff*, and *Verstegan*, cap. 10. See also *Church reeve*.

**Revelach**, i. e. Rebellion, from *Re:ellare*, to rebell: *Quicumque faciebat Revelach vel latrocinium vel violentiam fœmina in domo inferebat, 20 solidis emendebatur.* Gale. *Domesday*, Tit. *Cestrescire*.

**Reveland**, *Domesday-Book*, *Herefordsc.* *Terra Regis.* *Hæc terra fuit tempore Edwardi Regis Thainland, sed postea conversa est in Reveland. Et item dicunt Legati Regis, quod ipsa terra & census qui inde exit, furtim auferetur a Rege.* The Land which is here said to have been *Thaneland*, T. E. R. and after converted into *Reveland*, seems to have been such Land as being reverted to the King after the Death of his *Thane*, who had it for Life, was not since granted out to any by the King, but rested in Charge upon the Account of the *Reeve* or Bailiff of the Manor, who (as it seemeth) being in this Lordship of *Hereford* like the *Reeve* in *Chaucer*, a false Brother, concealed the Land from the Auditor, and kept the Profit of it to himself, till the Surveyors, who are here called *Legati Regis*, discovered this Falshood, and presented to the King that *furtim auferetur Regi*. This Passage from *Domesday Book* is imperfectly quoted by Sir *Edw. Coke*, in his *Institutes*, sect. 117. who from these Words draws a false Inference, That Land holden by Knights-Service was called *Thainland*, and Land holden by Soccage was called *Reveland*. Vide *Spelman of Feuds*, c. 24. See *Teinland*.

**Revels** Signify with us Sports of Dancing, Masking, &c. used in Princes Courts, the Inns of Court, or other Noblemens Houses, which are commonly performed by Night; and there is an Officer to order and supervise them, who is intitled *Master of the Revels*.

**Revenue** Is a French Word, signifying as *Reditus*, and denotes properly the yearly Rent that accrues to every Man from his Lands and Possessions.

**Reversion**, *Reversio*, A returning again; it is

*Nomen verbale*, and derived of the Verb *Revertor*. & apte dici non potest reversio antequam revertatur in factum; and therefore *Co. on Lit.* fol. 142. says, *Reversio terra est tanquam terra revertens in possessione Donatori sive hæredibus suis post donum finitum.* It hath a double Acceptation in Law, the one is, *Fus revertendi cum status possessionis defecerit*: And this is but an Interest in the Land when the Possession shall fall. 2. When the Possession and Estate which was parted with for a Time, ceaseth, and is determined in the Persons of the Alienees, Assignees, Grantees, or their Heirs, or effectually returns to the Donor, his Heirs or Assigns, whence it was derived. The Difference between a *Reversion* and a *Remainder*, is, that a *Remainder* is general, and may be to any Man, but he that granteth or conveyeth the Land, &c. for Term of Life only, or otherwise. A *Reversion* is to himself, from whom the Conveyance of the Land, &c. proceeded, and is commonly perpetual, as to his Heirs also. *Lit. lib.* 2, cap. 12. See *Co. lib.* 2. fol. 51. Sir *Hugh Colmley's Case*; and yet a *Reversion* is sometimes confounded with a *Remainder*. *Co. lib.* 2. fol. 67. *Tooker's Case*. *Plowden*, fol. 170. *Hill's Case*. What this Word *Reversion* in a Deed does carry, see *Littleton*, lib. 2. cap. 12.

**Reugia**, A Ridge, or Rudge of arable Land.

*De dono Rogeri del Estre unum reugiam terra in Gernemath.* Mon. Angl. Tom. 1. p. 515.

**Review**, A Bill of Review in Chancery is, where a Cause hath been heard, and the Decree signed and enrolled; and some Error in Law appears upon the Decree, or new Matter discovered in Time after the Decree made, which Bill cannot be exhibited, but by License of the Court. See *Collection of the Chancery Orders*, pag. 69.

**Reviving** Is a Word metaphorically applied to Rents and Actions, and signifies a Renewing of them after they be extinguished. Of which see divers Examples in *Broke*, Tit. *Revivings of Rents, Actions*, &c. fol. 223.

**Bill of Revivor** Is where a Bill hath been exhibited in Chancery against one, who answers, and before the Cause is heard, or if heard, before the Decree enrolled, either Party dies: In this Case a *Bill of Revivor* must be brought, that the former Proceedings may stand revived, and the Cause be finally determined.

**Revocation**, *Revocatio*, Is the Calling back of a Thing granted, of which you have divers in *Reg. Orig.* as *Revocationem brevis de audiendo & terminando*, fol. 124. *Revocationem presentationis*, fol. 304, 305. *Revocationem Protectionis*, fol. 23. *Revocationem specialium Jusficiariorum quia*, &c. fol. 205.

**Reward**. See *Regard*.

**Rewey**, Anno 43 Eliz. cap. 10. *So as some Clothes being put in Water are found to shrink*, *Rewey*, equally cockling, light and notable Faulty, &c. it is as much as unevenly wrought, and full of *Reeves*.

**Rhandir** Is a Part in the Division of the Country in *Wales* before the Conquest; as first a *Cantref* consisted of a Hundred Towns, under which were so many *Commots*, each *Commote* had Twelve *Manors* or *Circuits*, and Two *Townships*; there were Four *Townships* to every *Manor*, every *Township* comprehended Four *Gavels*, every *Gavel* had Four *Rhandirs*, and Four *Tenements* were constituted under every *Rhandir*. This Word *Rhandir* admits not of any proper Significancy in *English*, but is by Dr. *Davis* rendered *Pars aut fors*

*for hereditaria*, from the Verb, *Rhannu*, *Partire*, *distribuere*. Taylor's *History of Gavelkind*, pag. 69.

*Rheuma*, The Overflowing of the Sea, Florence of Worcester, Anno 1075. *Inde rebus omnibus dispositis & ordinatis (Rheumate adveniente) festinanter Anhoras sustulerunt.*

*Rhibei*, A River in Lancashire. See *Belisama*.

*Rhine*, The River in Germany, from Rinnan, to flow; so called, because of its rapid Course, but rather from the Sax. *Rein*, which signifies Pure, from the Clearness of the Water: So among the Saxons, *Ryne vetera*, signified a Water-course: So in *Somersetshire*, they call the little Streams between the *Moors*, which rise high with Floods, *Rhines*.

*Rhutumum*, Ronton in Shropshire.

*Rhutupia*, Ricbborough near Sandwich in Kent.

*Rial*, A Piece of Gold current for Ten Shillings. In 1 H. 6. by Indenture of the Mint, a Pound-Weight Gold of the old Standard was coined into 45 *Rials*, going for Ten Shillings a-piece, or a proportionable Number of half *Rials*, going for Five Shillings a-piece, or *Rial* Farthings going for Two Shillings Six-pence. Vide Lowndes's Essay upon Coins, p. 38. The Golden *Rial* in 1 Hen 8. was to go at Eleven Shillings Three Pence. In 2 Eliz. Golden *Rials* coined at Fifteen Shillings a-piece, when a Pound-Weight of old Standard Gold was to be coined into 48 *Rials*. In 3 Jac. 1. Rose-*Rials* of Gold at Thirty Shillings, and *Spur-Rials* at Fifteen Shillings.

*Ribaud*, *Ribaldus*, French *Ribauld*, a Vagrant, luxurious Spend-thrift, a Rogue, Whoremonger, a Person given to all Kinds of Wickedness and Looseness. Petition against *Ribauds* and sturdy Beggars. Rot. Parl. 50 E. 3. num. 61.

*Ridchester*. See *Cocceium*.

*Ric* Is a Saxon Word, signifying as much as Regnum in Latin. Cambd. Brit. p. 346.

*Rider-Roll*. See *Roll*.

*Riculus*, For *Curriculum*, or *Vehiculus*: In Brompton, R. 1. *Multitudo vero Riculorum & asinorum, oneravitorum, sub numero non facile cadebant.*

*Ridge* or *Rig* of Land; *Riga*, *Terram quam e pluribus sulcis in aggerem efferunt arantes, ita ut sicca sedes frumenti habeatur, Romani strigam (atque inde agros strigatos) nos a Ridge of Land. Spelman.* However it is sometimes called *Porca terra*. Yet I have seen in the Exemplification of a Writ of Partition. Anno 20 Eliz. Teste Jacobo Dyer Mil. — *unam acram terra arabilis continen. quinque porcas terra, Anglice Ridges.* So Sir Edw. Coke has it, 1 Inst. fol. 5. b.

*Riding Clerk*, One of the Six Clerks in Chancery, who in his Turn, for one Year keeps the Controlment Books of all Grants that pass the Great Seal that Year.

*Ridings* Are Names of the Divisions of Yorkshire, which are Three, viz. The East-Riding, the West-Riding, and the North-Riding, mentioned in the Statute 22 H. 8. cap. 8. and 23 H. 8. cap. 18. In Indictments in that County, it is requisite that the Town and the Riding be express. West. Symbol. part 2. Tit. Indictments, sect. 70.

*Riens arrear* Is a Kind of Plea used to an Action of Debt upon Arrearages of Account, whereby the Defendant does alledge, there is nothing in Arrear.

*Riens deins le gard* Was a Challenge to a Jury or Enquest of London, for that Four sufficient Men, &c. were not impeached: But it is abrogated by the Stat. 7 H. 7. cap. 4.

*Riens passe par le fait*, i. e. Nothing passes by the Deed, is the Form of an Exception taken in some Cases to an Action. See Bro. Tit. Extraunger al fait ou Record.

*Riens per descent* (i. e. Nothing by Descent) Is the Plea of an Heir, where he is sued for his Ancestor's Debt, and hath no Land from him by Descent. See 3 Part Croke's Rep. fol. 151.

*Rier County*, *Retro-comitatus*, Comes from the French *Arrier*, *posterior*, and in the Statute of 2 E. 3. cap. 5. is opposite to *open County*; and by comparing that Statute with Westm. 2. cap. 38. it appears to be some publick Place, which the Sheriff appoints for the Receipt of the King's Money after the End of his County. Fleta says, That it is *Dies crastinus post comitatum*, lib. 2. cap. 67.

*Rissarr*, To take away any Thing by Force: From the Sax. *Riese*, *Rapina*, from whence comes our English Word to Rifle: *Sape etiam contingit ut hoc modo depositum pro furto & reistato, &c. postea fuit intertium & ad hoc denique comprobatum.* Leg. H. 1. cap. 57.

*Rissetum*, A Coppice, a Thicket, a Spiney, a Place of Bushes and Thorns. — *Sciant presentes & futuri quod Ego Thoroldus de Castre relaxavi Dominis meis Roberto Abbati & Conventui de Burgo totum rifetum meum; quod jacet inter boscum predicti Abbatis quod vocatur Tolbawe, & boscum Christiane Pye.* — Cartular. S. Petriburg. vocat. Swafham, MS. f. 203.

*Risura*, In a Form of Appeal in Bracton, lib. 3. cap. 23. upon felonious wounding against the Peace. — *Et designandum erit, cujus longitudinis fuerit plaga & cujus profunditatis, & utrum sit plaga vel risura, ad hoc quod procedat Duellum vel non procedat, ut sciri possit per factum, utrum sit injuria vel feloniam, i. e.* And it shall be discovered, how long and how deep the Wound was, and whether it was a Wound, or the Flesh and Skin were only rifled, or, as we now call it, rippled, (or a slight Scar) so as it might be determined whether the Duel should proceed or not, and that it might be known whether the Fact was a Trespass or Felony.

*Riga*, The same with *Reuga*, which see.

*Right*, *Jus*, In general Signification includes not only a *Right*, for which a *Writ of Right* lies, but also any Title or Claim, either by Virtue of a Condition, Mortgage, or the like, for which no Action is given by Law, but only an Entry. Co. on Lit. lib. 3. cap. 8. sect. 445. There is *Jus proprietatis*, a Right of Propriety; *Jus Possessionis*, a Right of Possession, and *Jus Proprietatis & Possessionis*, a Right both of Propriety and Possession; and this is anciently called *Jus Duplicatum*: For Example, If a Man be disseised of an Acre of Land, the Disseisee hath *Jus proprietatis*, the Disseisor hath *Jus possessionis*; and if the Disseisee release to the Disseisor, he hath *Jus proprietatis & possessionis*. Co. on Lit. lib. 3. sect. 447. *Jus est sextuplex.* 1. *Jus recuperandi.* 2. *Intrandi.* 3. *Habendi.* 4. *Retinendi.* 5. *Percipiendi.* 6. *Et possidendi.* Co. 8 Rep. Edward Altham's Case.

*Right in Court*. See *Rectus in Curia*.

*Rime* (*Rima*) Is taken for a mean Kind of Verse, commonly made by some unskilful Poetaster. Of a libellious and rebellious *Rime*, I have thought



thought fit to insert this Abstract of an ancient and memorable Record.

Placita coram Domino Rege apud Ebor. de Termino Pasche Anno Regni Regis Richardi Secundi 16.

*Quamplurimi de Cotingham & Villis circumjacentibus indignantur, quod ipsi alligati fuerint quilibet ad alterum sustinendum & manutenendum omnes querelas suas versus quoscunque: Et quod modo guerrino obsiderunt villam de Kingston super Hull, & pontes circumjacentes diripuerunt, ita quod nullus ire vel redire posset ad dictam villam, ac insuper fecerunt Rimam in Anglicis verbis, & dictam Rimam publice apud Beverly pro lamari fecerunt die, &c. qua Rima sequitur in hac verba.*

**I**n the Country hard was we,  
That in our Soken shewes should be,  
With all for to take.  
Among you Friers it is for,  
And other Orders many moe,  
Whether they sleep or wake.  
And yet will like man help up other,  
And maintain him als his brother,  
Both in wrong and right.  
And also will in strand and stoure  
Maintain our Neighbour  
With all our might,  
Like Man may come and goe  
Among us, both to and fro,  
Say you sickertly.  
But hethning will we suffer none,  
Neither of Hob, nor of John,  
With what may he merry be.  
For unkinde we were,  
If we suffered lesse or more.  
Any villan hethning.  
But it were quite double again,  
And accord, and be ful faine  
To hyde drelling.  
And on that purpose, yet we stand,  
Who so doth us any wrong,  
In what place it fall.  
Yet he must als weele,  
Als have I hap and heele,  
Doe again us all.

*Sed perdonantur 28 ex eis.  
Record. continet quatuor Rotulos.*

**Rine.** See **Rhine**.

**Rings,** A military Girdle: From the Saxon **Ring**, i. e. annulus, circulus, because it was girt round the Middle. **Bracton** gives another Reason why it is so called. *Lib. 1. cap. 8. Par. 3.* *Ringa enim dicuntur quod renes circumdant, unde dicitur accingere gladio.*

**Ringstad,** (Anno 43 Eliz. cap. 10.) An Engine used in stretching Woollen Cloth.

**Ringildre.** (Brit. **Rhingyltre**) Rex omnibus, &c. quod nullus tenentium in Com. nostris prædictis de cætero compellatur ad subeundum sive occupandum officium **Ringildre**.—*Carta Hen. 7. Comitatus de Anglesey, Carnarvon, & Merioneth, dat. 3 Mart. anno regni 22.* A Kind of Bailiff or Serjeant, for so **Rhingyl** or **Ringyll** signifies in Welsh.

**Riot,** **Riota** & **riotum**, Derived from the French **Riotte**, quod non solum rixam & jurgium significat, sed vinculum etiam, quo plura in unum, fasciculorum instar, colligantur, signifies the forcible doing of

an unlawful Thing by Three, or more Persons assembled together for that Purpose. *West. Symbol. part 2. Tit. Indictments, sect. 63.* The Difference between a **Riot**, **Rout**, and unlawful Assembly, see in **Lamb. Eiren. lib. 2. cap. 5. Stat. 1. Mar. cap. 12. and **Kitchin 19.** who gives these Examples of **Riots**, the Breach of Inclosures, Banks, Conduits, Parks, Pounds, Houses, Barns, the Burning of Stacks of Corn, &c. **Lamb. ubi supra** mentions these, to beat a Man, to enter upon a Possession forcibly. See **Rout** and **Unlawful Assembly**. See also in **Crompt. Justice of Peace**, divers Cases of **Riots**, Anno 17 R. 2. cap. 8. and 13 H. 4 cap. 7. See the Stat. 1 Geo. cap. 5.**

**Riparia**, (from **Ripa**, a Bank,) In the Statute of **Westm. 2. cap. 47.** signifies the Water or River running between the Banks, be it salt or fresh. 2 Inst. fol. 478. The Word occurs also in **Rot. Char. 9 Edw. 2. numb. 12.** *Volumus tamen, quod predictus A. cognitionem habeat de morte hominis & mahemio, in grossis navibus in medio filii grossarum Ripariarum, tam de portibus earundem Ripariarum mari magis propinquius, &c.* **Rot. Pat. 28 H. 8. pars 12.** But in the Version of **Magna Charta, cap. 15.** **Riparia** is rendered a Bank or River.

**Ripatica**, i. e. **Redditus & proventus ex ripis percepti.** **MS. Fleta, lib. 2. cap. 66. par. 17.**

**Ripator.**—*Juxta sonitum illius instrumenti quod a Ripatoribus vocatur Tabur, subito tercella quadam alarum remigio perneciter evolavit.* **Rad. de Dico & Matt. Paris.** sub anno 1191. By this Word **Ripator**, **Mr. Somner** would understand a Ripper, or Reaper of Corn. And some others would interpret them to be Risers or vagabond Thieves. But the Occasion of the Story, and the Scene of Action, seem plainly to imply, that **Ripatores** were **Riparii**, Fishermen or Rippers.

**Ripiers**, **Riparii**, Had their Name a *fiscella* quod in devehendis piscibus utuntur, in English a Ripp, and are such as use to bring Fish from the Seacoast to the inner Parts of the Land. **Cambd. Brit. pag. 234.** In **Wales** they are called **Treasters**.

**Rise, Orisa**, Is a Kind of Corn growing in **Asia** and the **Indies**, of which you may read in **Gerard's Herbal, lib. 1. cap. 52.** This is mentioned among Spices to be garbled in the Stat. 1 **Fac. cap. 19.**

**Ribagium**, **Riyage**, **Riverage**, a Toll or Duty paid to the King in some Rivers, for the Passage of Boats or Vessels. **King Edw. 1.** grants a Charter to the Barons of the Cinque Ports—*ut quieti sint de omni theolonio & omni consuetudine videl. ab omni lastagio, tallagio, passagio, cayagio, rivagio, sponsagio, & omni wreec, &c.* **Placit. temp. Edw. 1. & Edw. 2. penes Dominum Fountains.**

**Ribeare**, To have the Liberty of a River for Fishing or Fowling.—*Rex dat licentiam Reginaldo Filio Petri, quod riveare possit per totam ripariam nostram de Kenette, & in instanti seiscina aves capere & asportare.* **Pat. 2. Edw. 1. M. 6.**—*Licentia pro Radulfo de Obendut quod riveare possit per ripariam de Kennet in Com. Berk. cum quodam Ausurco.* **Pat. 18. E. 1. M. 40.**

**Roather Beasts**, Anno 7 E. 6. cap. 11. See **Roather Beasts**.

**Roba** Is a Coat or Garment. And those who **Robas** accipiebant of another, are accounted of his Family. *Quendam ex ejus Armigeris qui in obsequio erat*

erat Abbatiss & ad robas ejus. Walsingham, pag. 267.

**Robbery, Robaria,** Is a felonious Taking away of another Man's Goods from his Person or Presence against his Will, putting him in Fear, and of Purpose to steal the same. *West. Symbol. part 2. Tit. Indictments, sect. 60.* And this Offence was called *Robbery*, either because they bereaved the true Man of some of his Robes or Garments, or because his Money or Goods were taken out of some Part of his Garment or Robe about his Person. *Co. 3 Inst. cap. 16.* This is sometimes called *Violent Theft*. *West. Symbol. ibid.* which is Felony of Two-pence. *Kitchin, fol. 16. and 22 lib. Aff. 39.* See *Skene de verborum signif. verb. Reif, and Cromp. Justice of Peace fol. 30.*

**Robbers,** 5 E. 3. 14. and 7 R. 2. cap. 5. *Lamb. Eiren. lib. 2. cap. 6.* interpreteth them to be mighty Thieves; they are called in Latin *Robatores*, saith *Spelman*, being *Latrones validi qui in personas hominum insilientes bona sua diripiunt.*

**Robertmer, or Robertsmen,** Were another Sort of great Thieves, mentioned 5 E. 3. 14. and 7 R. 2. cap. 5. *Co. 3 Inst. fol. 197.* says, *Robin Hood* lived in *Richard* the First's Time on the Borders of *England* and *Scotland* by Robbery and Spoil, and that these *Robertsmen* took Name from him.

**Rocheffer.** See *Durobrova.*

**Rochet** Is that lincn Garment which is worn by Bishops, gathered at the Wrists, and differs from a Surplice, for that hath open Sleeves hanging down; but a *Rochet* hath close Sleeves. *Lyndewode, lib. 3. Tit. 27.*

**Rod, Roda Terra,** Is otherwise called a *Perch*, and is a Measure of Sixteen Foot and a half, and in *Staffordshire* Twenty Foot, to measure Land with. See *Perch.*

**Robknights, alias Radnights,** (Is derived from the Saxon *Rad, i. equitatus*, and *Cnyt, Minister*), were certain Servitors, which held their Land by serving their Lords on Horseback. *Bracton, lib. 2. cap. 36. num. 6.* saith of them, *Debent equitare cum Domino suo de manerio in manerium, vel cum Domini uxore.* *Fleta, lib. 3. cap. 14. sect. Continetur.*

**Rodundellus, Rotondellus,** A Roundle, and old Riding Cloke. — *Thomas de Cantilupo Episcopus Hereford. Stolum apud collum quum equitabat subtus capam vel rodundellum ad modum crucis portabat, ut patens esset ad confirmandum pueros occurrentes.* *Liber de Miraculis Thomæ Episc. Hereford. MS.*

**Rofestile, alias Creastile,** Is that Tile which is made to lay upon the Ridge of the House. *Anno 17 Edw. 4. cap. 4.* Dr. *Skinner* says the true Name is *Rofe-tyle*, from the French *Tuile de la Rofee.*

**Rogation-week, Dies Rogationum,** Is a Time well known to all, and is so called, because of the special Devotion of Prayer and Fasting then enjoined by the Church to all Men, for a Preparative to the joyful Remembrance of Christ's Ascension, from which Time to *Trinity-Sunday* Matrimony is forbidden to be celebrated.

**Rogue, Rogus,** May be deduced from the Fr. *Rogue, i. Arrogans*, and signifies an idle sturdy Beggar, who wandreth from Place to Place without License, after he hath been by Justices bestowed, or offered to be bestowed on some certain Place of Abode; who, for the first Offence, is called a *Rogue of the first Degree*, and punished by whipping and boring through the Gristle of

the Ear with a hot Iron, an Inch in Compass. And for the Second Offence is termed a *Rogue of the Second Degree*, and put to Death as a Felon, if he be above Eighteen Years old. See the Stat. 14 Eliz. 5. 18 Eliz. 3. and 36 Eliz. 17. and *Lamb. Eiren. lib. 4. cap. 4.*

**Rogus** Is the Latin Word for a great Fire, and there it is *congeries lignorum ad comburendum*, *Vocab. utriusq; juris.* Sometimes it is taken only for a Pile or Stalk of Wood, as *Mandatum est Constabulario castri de Divis, & custodi foresta de Cippeham quod fieri fac. unum rogam in Foresta predicta ad operationes castri predicti, prout melius viderint expedire, &c. T. x Marti. Claus. 54 H. 3. m. 8.*

**Roll, Rotulus,** Signifies a Schedule of Paper or Parchment, which may be turned or wound up with the Hand to the Fashion of a Pipe. *Staundf. Pl. Cor. fol. 11.* of which there are in the Exchequer several Kinds. As the great *Wardrobe Roll*, the *Cofferers Roll*, the *Subsidy Roll*, &c. Of which see the *Practice of the Exchequer-Court*, fol. 75.

**Talbeg-head Roll** Is a Roll in the Two Temples, wherein every Bench is taxed yearly at 2 s. every Barrister at 1 s. 6 d. and every Gentleman under the Bar at 1 s. to the Cook, and other Officers of the House, in Consideration of a Dinner of Calves-heads provided in *Easter-Term.* *Orig. Jurisd. fol. 199. b.*

**Ridder-Roll, Noy's Rep. fol. 84.** The Court *Ex Officio*, may award a *Certiorari ad informandum conscientiam*; and that which is certified shall be annexed to the Record, and is called a *Ridder-Roll*. Or a *Ridder-Roll* is a Schedule, or small Piece of Parchment, added to some Part of a Roll or Record.

**Roll of Court, Rotulus Curie,** The Court-Roll in a Manor, wherein the Names, Rents, and Services of the Tenants were copied and enrolled. *Per Rotulum Curie tenere*, by Copyhold. — *Matildis le Tailleur tenet per rotulum Curie unum messuagium, &c. Paroch. Antiq.*

**Rolls of Parliament, Rotuli de Pavliamento.** The Manuscript Registers or Rolls of the Proceedings of our old Parliaments. For before the Use of Printing, and till the Reign of *Hen. 7.* our Statutes were all engrossed in Parchment, and (by Virtue of the King's Writ to that Purpose) proclaimed openly in every County. — In these Rolls we have likewise a great many Decisions of difficult Points in Law, which were frequently in former Times referred to the Determination of this supreme Court by the inferior Ones of both Benches, &c. Mr. *Nicholson's Hist. Library, P. 3. p. 47.*

**Rolls,** Or the Office of the Rolls in *Chancery-Lane*, antiently called *Domus Conversorum*, is the House that was built by King *Henry the Third*, for *Jews* converted to the Christian Faith; but *Edward the Third* expelled them for their Wickedness, and deputed the Place for the Custody of the Rolls and Records of the Chancery, the Master whereof is the second Person in Chancery, and in the Absence of the Lord Chancellor, or Lord Keeper, sits as Judge, being commonly called, *The Master of the Rolls*, which see.

**Rotmictot,** Is a Saxon Word signifying, *Nummum Roma datum*, for *Foeb*, in Saxon is *Nuramus*, that is, Money in English. See *Romescot.*

**Romepenny,** In Saxon *Rompening, i. Roma denarius*, for the Saxon *Pening*, is the same as Penny with us, or *Denarius* in Latin. See *Romescot.*

**Romanizare**

**Romanizare** Is a Word mentioned in our Historians; and it signifies to afflict or torment:

*Roma manus rodit, quas rodere non valet, odit.*

**Roma-peditæ** Were Pilgrims so called, because they travelled to Rome on Foot. It is a Word mentioned in *Mat. Paris. Anno 1250*, and in other Historians:

*Hic Anglos, hic Romipetas enormiter angens.*

**Romefeoh, Romeþeny**, (Sax. *Romefeoh*, i. e. *Nummus Roma datus*; nam *Feoh* est *nummus*, *pecunia*, *stipendium*; *Romþenning*, *Roma Denarius*, *Penning enim (bodie a Penny) est Denarius*. Vide *Rome-scot*.)

**Rome-scot** (*Romefeoh vel Romefec*, *Romeþeny*, alias *Denarius Sancti Petri & Hearth-penny*;) is compounded of *Rome* and *scot*, from the Sax. *scot*, *Symbolum*. *Matt. Westm.* says it was *Consuetudo Apostolica*, a qua neq; *Rex*, neq; *Archiepiscopus vel Episcopus, Abbas vel Prior, aut quilibet in Regno immunis erat*. It was an annual Tribute of one Penny from every Family, paid yearly to Rome at the Feast of St. Peter ad vincula, being the First of August. *Cambden* in his *Brit.* says, *Offa*, the Saxon, first granted it; but others, that *Ina*, a King of the West Saxons, being in Pilgrimage at Rome, Anno 725. gave it as an *Alms*, and was first forbidden by Edward the Third. It amounted to Three Hundred Marks and a Noble yearly. See *Leg. Hen. 1. cap. 12. Rog. Hoveden par. poster. suor. annal. fol. 344. in vita Hen. 2. and see Peter-Pence and Hearth-penny*. This Payment was abrogated 25 H. 8. 25. restored 1 & 2 P. & M. but utterly abolished 1 Eliz. 1. See *Spelman's Glossary*, verbis *Romefcot, Romefeah, Romeþenny*. This Mark of Slavery was a Burthen and a Scandal to the English Nation. Our free-born Ancestors often complained of it. It was one of the Complaints of Grievance in Parliament, 8 John, A. D. 1206. when the King issued out this Writ of Redress: *Rex Archiepiscopis, Episcopis, Abbatibus, Archidiaconis & omni Clero apud Sanctum Albanum convocatis Salutem. Conquerente Universitate Comitum, Baronum, Militum & aliorum fidelium nostrorum, audivimus quod non solum in Laicorum gratiam perniciem, sed in totius regni nostri intolerabile dispendium super Romefcot præter consuetudinem solvendo. Mandamus ne contra regni nostri consuetudinem aliquid novum Statuatis. Teste meipso apud Ebor. 26 die Maii, anno regni nostri 8 Cart. 8. Joh. m. 1.*

**Rood, Holy Rood**, i. e. *Holy Cross*.

**Rood of Land, Reda terra**, The Fourth Part of an Acre. 5 Eliz. cap. 5.

**Ros**, Among the Services and Customs of the Zochmen who held Lands of the Priory of Spalding—*Debent tres caveſtas de Ros & tres de Byndinge caveſtandas in curiam Domini cibo Domini—* which Dr. Brady renders, *They ought to carry Three Loads of Thatch, and Three Loads of Byndinge to the Lord's Court, be finding them Viſuals*. But I think rather, *Ros* is no more than *Rushes*, and the Duty was to carry Three Loads of loose Rushes, and Three Loads of any Sort, as bound Corn; or other Stuff bound up in Bands.

**Rofetum**, A low watry Place of Reeds and Rushes. In the Endowment of the Vicaridge of *Stokeland*, within the Diocese of Bath and Wells, in the Year 1453. it is ordained.—*Ut Vicar-*

*ius habeat omnes decimas roſeti ſive arundinum totius parochie. Reg. Eccl. Well. Mſ.——* *Salvo duntaxat dictis Religioſis decimis majoribus de terris, pratis, purpreſturis, & roſetis dominicis ipſius Johannis approbatis ſeu in poſterum approbandis. Cartular. Glaſton. Mſ. fol. 107. b.* Hence the covering of Houſes with a Thatch made of Reeds and Rushes was called *Rofetum*—*Hæc omnia ædificia egregie & opere ſaltem ſumptuoſo conſummata lapide aut roſeto, ſecundum quod loci opportunitas exigebat vel permittebat pro majori parte co-operiri faciebat, ib. p. 42. a.*

**Roffa For Moſſa**, i. e. Land over-run with Moſs. *Et totam Dailam marifi tam de Roſſa quam de prato. Monaſt. 2 Tom. pag. 211.*

**Roffland**, V. Citation in Mſ. (*Roffarium*), Heathy Land, or Land full of Ling; alſo watery or mooriſh Land, from the Br. *Rbos*, i. e. *Planities irrigua*. 1 Inſt. fol. 5. a. & Cam. Brit. fol. 190. *Ros autem apud Scotos promontorium ſignificat. Buchanan. Hiſt. fol. 6. b. n. 40.*

**Rother-Beaſts**, (Saxon *Hryther*;) Under this Name are comprehended Oxen, Cows, Steers, Heifers, and ſuch like horned Beaſts. Anno 21 Jac. cap. 18. And in Herefordſhire the Dung of ſuch Beaſts is ſtill called *Rotherſoyl*. J. B. Rangeator in *Foreſta de Whittlewood* habet de dono Regis quatuor Rothros in Balliva de Wakefield. Pat. 14 R. 2. m. 13.

**Rotulus Contrarientium**. See *Contrarientis*.

**Rotuli Placitorum**, Court-Rolls, or Records upon Roll; the Register of Trials, Judgments, and Decrees in a Court of Juſtice.—*Dicti homines præmiſſas conventiones in Rotulos Placitorum Domini Regis de anno ſupradicto ad majorem ſecuritatem irrotulari procurarunt. Paroch. Antiq. pag. 321.*

**Rotulus Cancellariæ**, *Bracton, lib. 3. cap. 24. Omnia Brevia de pace (quæ ſunt prohibitiones) irrotulari debent in Rotulo de Cancellaria. See M. P. in ann. 1110. p. 61.*

**Rotulus Wintoniæ**, *Domeſday Book* ſo called, becauſe it was of old kept at Wincheſter. See *Domeſday*. *Spelman* in his *Gloſſary* ſays, There was another Roll called *Rotulus Wintoniæ*, made long before that by King *Alfred*; concerning which; hear *Ingulphus* ſpeaking of *Domeſday Book*. *Talem (ſays he) Rotulum & multum ſimilem ediderat quondam Rex Alfredus, in quo totam terram Angliæ per Comitatus, Centurias, & Decurias deſcripſerat, &c.*

**Rovagium for Rotagium**, A Duty paid for mending the Highways worn out cum Rotis. It is in a Charter of Henry 2. In tallagio & Rovagio & ſeria & ſoro:

**Robbers**, i. e. Robbers. From the Sax. *Reaſan*, i. e. To rob; and that from *Reaſ*; a Garment.

**Rouge Croſs**. See *Herald*.

**Roundlet**. See *Runlet*.

**Rout, Routa, Turma, Cobors**, A Company or Number, but in a legal Senſe ſignifies an Aſſembly of Three Perſons, or more, going forcibly to commit an unlawful Aſſ, though they do it not. *West. Symbol. part 2. Tit. Indiſtments, ſect. 65. ſays, a Rout is the ſame which the German yet call Rot, meaning a Band, or great Company of Men gathered together, and going to execute, or indeed executing any Riot or unlawful Aſſ. But the Statute of 18 E. 3. ſtat. 1. cap. unico, which gives Proceſs of Outlawry againſt ſuch as bring Routs into the Preſence of the Juſtices, or in Affray of the People; and the Statute of 2*

**Rout**, cap. 6. that speaks of riding in great Routs to make Entry into Lands, and beat others, &c. do seem to understand it more largely. Bro. Tit. Riot 4, 5. So that a Rout seems to be an unlawful Assembly, and a Riot the disorderly Fact committed by such unlawful Assembly. Howbeit Two Things are common both to Riot, Rout, and unlawful Assembly. The one, That Three Persons at least be gathered together. The other, that being together, they do disturb the Peace, either by Words, Shew of Arms, turbulent Gesture, or actual Violence, &c. Lamb. Eiren. lib. 2. cap. 5. See Riot and unlawful Assembly.

**Rotting of Clothes**, 27 H. 8. 13. It may perhaps be derived from the French Rouer, versare, rotare, quia rota circumducta pannos complanare solebant.

**Royal Assent**, *Regius Assensus*, Is that Assent which the King gives to a Thing formerly done by others, as to the Election of a Bishop by Dean and Chapter; which given, then he sends a special Writ for the Taking of Fealty. The Form of which you may see in F. N. B. fol. 170. And to a Bill passed in both Houses of Parliament. *Crompt. Jur.* fol. 8. which Assent in Parliament being once given, the Bill is endorsed with these Words, *Re Roy le veut, i. It pleases the King*; but if he refuse to agree to it, then thus, *Le Roy s'avisera, i. The King will advise*.

**Royalties**, *Regalia vel Regalitates*, Are the Rights of the King, *Jura Regis*, otherwise called *The King's Prerogative*. Some of these be such as the King may grant unto common Persons; some so high, that they may not be separated from his Crown privative, as the *Civilians* call it, though cumulative they may. See *Bracton*, lib. 2. cap. 5. and *Matheum de afflictis*, upon the Title of the Feuds, *Que sint regalia*, where he reckons up Twenty-five special Particulars of Royalties. See also *Hotoman's Commentaries*, in lib. 2. Feudor. cap. 56. and see *Prerogative and regalia*.

**Roynes**, Streams, Currents, or other usual Passages of Rivers and running Waters. A Bill for opening the ancient Roynes and Water-courses in Sedgmore in the County of Somerset, for rendring the said Moor more healthful and profitable to the Inhabitants. *Votes of the House of Commons*, 21 February 1698.

**Rubbish**, Dirty Stuff, Filth, Rubbish. *Claus.* 26 R. 2. Dorf. 2. See *Lastage*.

**Rudmas-Day**. From the Sax. Rode, Crux, and Maf-*Day*, i. e. Feast-Day; the Feasts of the Holy Cross; which are Two, viz. the 3d of May, the Invention of the Cross; the other is the 14th Day of September, called *Holy-rode-Day*; and is the Exaltation of the Cross.

**Runcaria**, (from *Runca*,) Land full of Brambles and Briars. 1 *Inst.* fol. 5. a.

**Rudge washed Berley** Is that which is made of Fleece-wool, washed only on the Sheep's Back. 35 *Eliz.* cap. 10.

**Rugi**, *Russiani*, Leg. Edw. Conf. Tit. De L. Noricorum. Ausugit ad regnum Rugorum quod nos melius vocamus *Russiam*; and afterwards speaking of Margaret the Sister of Edgar, and Queen of Scots, Ex parte vero matris, ex genere & sanguine regum Rugorum.

**Runcilus** and **Runcinus**, Is used in *Domesday* (says *Spelman*) for a Load-Horse, *Equus operarius colonicus*, or a Sumpter-Horse; and sometimes for a Carr-Horse, which *Chaucer*, in the *Seaman's Tale* calls a *Rowney*.

He rod upon a Rowney as he could.

**Runne**, From the Sax. *Rununge*, i. a Course or Running, a Water-course, so called in the Marshes of *Somersetshire*: *History of Imbanking and Draining*, fol. 106.

**Rungara**. Inter antiquas consuetudines Abbatie S. Edmundi. In prato de Nomannes, Lond. quamdin fœnum fuerit in prato, debent Messor & Inlard esse in prato die & nocte ad custodiam fœni, & ideo habebant fœnum de cota sua, sed ipsum non debent adducere donec Cellerarius vel sui viderint si nimis apposuerint, vel non, quod si fecerint, mensurabitur & usque ad unum rungatam ad plus moderabitur, &c. *Cartular. S. Edmundi*, MS. fol. 318.

**Runlet**, alias **Roundlet**, Is a certain Measure of Wine, Oyl, &c. containing Eighteen Gallons and a half. Anno 1 R. 3. cap. 3.

**Ruoda**, Leg. Saxonum, Tit. 2. sect. 1. Qui nobilem occiderit cccxl sol. componat. Roda quod dicitur apud Saxones cxx sol. & inter premium cxx ad Ruod veteri lingua Saxonica crucem significat. For it is most certain, that our Ancestors the Saxons called the Cross, Rode or Roode; hence came the Rode-lost, and we still call *Diem Sanctæ Crucis*, Holy-rood-Day.

**Rupta** Is the same with *Routa*, which see. *Mat. Paris.* in Anno 1199. uses it for a Troop of Soldiers. Qui duces fuerunt caterua (quam Ruttam vocamus) militantes sub Comite Fo. fratre Regis Richardi equitationem facerent, &c.

**Ruptarii**, *Milites*, Soldiers. *Mat. Par.* in Anno 1198. Sed quoniam idem Episcopus (Belluacensis) contra ordinis sui dignitatem captus fuerat in armis, ut miles vel Ruptarius, non prius est abire permixtus donec 6000. argenti carucis ad pondus sterlingorum numeratis & fisco commendatis Regie concupiscentia satisfecisset. *Hollinshead*, pag. 243. calls them *Rutters*, and pag. 98, 99. *Ruptarii*, i. e. Robbers, called also *Rutarii*; and *Rutta* was a Company of Robbers. *Mat. Paris.* Anno 1250. mentions the one, viz. Ubi est ille Ruptarius percussor impius, &c. And *Neubrigensis* mentions the other, viz. Per stipendiarum militiam quam *Rutas* vocant; from whence we derive the Word *Rout*, and *Bankrupt*. See *Rout*.

**Ruptura**, Arable Land, or Ground broke. Terram quoque tam in mansuris quam in rupturis totius parochie hominibus ibi hospitatis excolendam, reservato tantummodo campo—concessit. *Orderic. Vital.* lib. 5. pag. 596.

**Rural Deans**, *Decani rurales*. Of whom *Spelman* gives this Account, Sunt Decani temporales ad aliquod Ministerium sub Episcopo vel Archiepiscopo exercendum constituti; qui nec habent institutionem Canoniam secundum Doctores. And this Rural Dean he supposes to be the same, which in the Laws of Edward the Confessor, cap. 31. is called *Episcopi Decanus*. See *Dean*. Each Diocese hath in it one or more Archdeacons for Dispatch of Ecclesiastical Business, and every Archdeaconry subdivided into fewer or more Rural Deanries. *Heylin's Cosmog.* fol. 304. and he says, they were anciently called *Arch-Presbyteri & Decani Christianitatis*. See a Dissertation of the Institution and Authority of Rural Deans, by Mr. Kennet, in his *Paro. h. Antiquities*.

**Rusca**. Habuit Rex (Griffin) unum Manerium Biscopestreu, & in Dominio unam Carucam habebat, & homines ejus sex Carucas. Quando ipse Rex ibi veniebat, reddebat ei unaqueq; Caruca CC. Hesthas, unam



*unam Cunam plenam Ceroisia & unam butyri Rufcam. Domesday, Tit. Cestre.* This *Rufca butyri* was a Tub of Butter, in Ireland still called a *Ruskin*. *Rufca apum* is a Hive of Bees. Hence *Decima de Rusehis*, was used for Tithe of Bees. *Charta Will. de Bray mil. Canonicis de Ofeney, temp. Hen. 3.* See *Hestba. Decimam de aguis, de caseis & velleribus, de vitulis, de Rusehis & de faldrauis. Mon. 2 Tom. pag. 986.*

*Rufcaria*, (from *Rufus*.) The Soil where Kneeholm or Butchers-Broom grows, or where the Holly or Holm-Tree; for *Rufus Sylvestris* signifies that Tree.

*Rufche, Mellarium, alveare.* For so it seems to signify in a Charter of *Will. Bray Knight*, made to the Canons of *Osney*—— *Ita tamen, ut tantum de apibus, quas ipse Will. & heredes qui & homines sui in Curia habebant, decimas percipiant, scil. de Rusehis.* It may be derived from the French *Ruche*, that signifies in Latin *Alveare*.

*Rustici*, The Churls, Churls, Clowns, or inferior Country Tenants, who held Cottages and Lands by the Services of Ploughing, and other Labours of Agriculture for the Lord. The Land of such ignoble Tenure was called by the Saxons *Gafolland*, as afterwards *Socage Tenure*, and was sometimes distinguished by the Name of *Terra Rusticorum*. So *Gilbert Basset* gave to his Priory of *Burcester*.—— *Unani virgatum terra in Strattun collectam de terra Rusticorum, qua data fuit in dote predicta Capella. Paroch. Antiquit. pag. 136.*

*Rutarii*, Stipendiary Forces, or Mercenary Soldiers, in the Service of our old English Kings, who came from Foreign Parts, especially from Germany—— *Anno 1216. 18 Cal. Febr. cepit Johannes Rex Anglia villam & castellum de Berwic. ubi cum Rutariis suis feroi supra modum & inhumana usus est tyrannide—— in reditu autem suo Rutarii sui Ministri Diaboli Abbatiam de Coldingebam expugnauerunt. Chron. Mailros. sub anno.*

*Rutupium*, Sandwich in Kent.

*Rymmers about*, They seem to be Vagabonds, *q. d. Roamers about.* Skene, lib. De Crimin. Capital. Tit. 2. C. 14. Paragr. 2. F. 135. pag. 2.

## S.

**S**abatons, i. e. Soldiers Boots.

*Sabbatum*, In *Domesday, Tit. Sudsex*, is used for Peace; *Terra Will. Episcopi de Terford, Bisfedes hundred, num. 18. Postquam Willielmus Rex advenit & sedebat in Sabbato, & Willielmus Mallet fecit suum mastellum de Eia, &c.*

*Sabellinae pelles*, i. e. *Sables*. It is mentioned in *Hoveden, pag. 758. Petit ab Episcopo Lincolnienfi singulis annis unum mantellum furratum de Sabellinis.* So in *Brompton, Anno 1188. Statutum fuit in Anglorum gente ne quis Escarleto, Sabelino vario, vel griseo uteretur.* See *R. Hagulfstad, pag. 328. and Neubrigenfis, lib. 3. cap. 22.*

*Sables.* See *Furr*.

*Sabulonarium*, A Gravel-pit, or the free Use of it, a Liberty to dig Gravel or Sand, or a Right to receive the Money paid by others for Leave to dig Gravel or Sand within such a Precinct.—— *Et debent habere Sabulonarium & chiminagium per totam censariam predictam.*—— *Petit. Parl. temp. Ed. 3.*

*Sabulosa Terra*, i. e. Sandy Ground. *Fleta, lib. 2. cap. 76.*

*Sac, Saccha vel saucha.* This *Minsbew* renders to signify a Royalty or Privilege touching Plea, or Correction of Trespasses of Men within a Manor; and that the Word *Sac* in the Saxon Tongue properly signifies as much as (*Causa* with the Latines) *Sake*, whence we in English still retain the Expression, for whose Sake, &c. that is, for whose Cause: But in the Laws of Edward the Confessor, thus, *Sacha est quod si quilibet aliquem nominatim de aliquo calumniatus fuerit, & ille negaverit, forisfactura probationis vel negationis (si eenerit) sua erit.* I will also exhibit an Exposition both of *Socba* & *Sacka* out of a very ancient Manuscript Book, in which are registred several Donations to a Cathedral Church in England, being in the Custody of *Silas Taylor Gent.* where, after the Recital of a certain Charter, granted by Edward the Confessor to them, *Cum Saka & cum Sokna*, there follows an Exposition of them both in red Letters thus,

*Sequitur expositio illorum Terminorum Soka & Saka.*

*Soka, Hoc est secta de hominibus in curia vestra secundum consuetudinem Regni.*

*Saka, Hoc est placitum & emenda de transgressionibus hominum in Curia vestra.*

The first is only the Suit of Court due by the Inhabitants of a Lordship or Manor; and *Sac* is the Liberty of holding Pleas, and imposing Mults and Forfeitures upon Transgressors in that Court. But *Rastal*, and some others, define *Sac* to be the Forfeiture it self. *Bracton, lib. 3. tract. 2. cap. 8.* quoted by *Staundford* in his *Pleas of the Crown, lib. 1. cap. 23.* uses the Word, but both of them leave the Signification undetermined. *Skene de verbor. signif. verb. Sack*, writes, That in some old Books it is called *Placitum de transgressionibus hominum in curia nostra*; see him at large, and *Hoveden, part. suor. anal. fol. 345.* See *Keilway's Rep. fol. 145.* Et *Breve Hen. 2. Jusficiariis de Norfol. Precipio ut sanctus Benedictus de Ramesta ita bene & libere habeat Socam & Sacam suam, &c.* See *Saka*.

*Sacaburh*, alias *Sacabere*, or *Sakebere*, Is he that is robbed, or by Theft deprived, of his Money or Goods, and puts in Surety to prosecute the Thief with fresh Suit; according to *Selden*, in his *Titles of Honour, and Britton, cap. 15 & 29.* With whom agrees *Bracton, (lib. 3. tract. 2. cap. 32. n. 2.) Furtum vero manifestum est, ubi latro deprehensus sit seistus de aliquo latrocinio, sc. Hondhabend & Backberend, & insectus fuerit per aliquem cujus res illa fuerit, qui dicitur Sacaburh, &c.* It may come from *Sac*, or *Saca*, i. e. *Lis, causa, prosectio*, and *Burb*, *Pignus*, hoc est, *Furti Symbolum.* *Spelman.* Sir Edward Coke says, *Sacabere*, or *Sakebere*, is derived of *Sac* and *Bere*, that is, he that did bear the Bag. *3 Inst. fol. 69.*

*Saccini* Were Monks so called, because they wore next their Skins a Garment of Goats Hair; for *Saccus* signifies coarse Cloth made of such Hair. They are mentioned by our Historian *Walsingham, viz. Aliquos status de ordinibus predicatorum approbavit, aliquos reprobavit ut Saccinos, &c.*

*De Saccis, Fratres de Saccis.* The Sackloth Brethren, or the Penitential Order. *Furati presentant quod Adam de Huriel tenuit ut escaetum suum*

*Domos quæ valent per annum 10 sol. quæ quondam fuerunt Fratrum de penitentia qui vocabantur Fratres de Saccis infra Aldemariam de Westgate in civitate Cantuar. Placit. 8 Ed. 2.*

**Saccus cum Brochia** Was a Service or Tenure of finding a Sack and a Broach to the King, for the Use of his Army. *Bracton, lib. 2. tract. 1. cap. 6.* hath these Words, *Si quis teneat per servitium inveniendi Domino Regi certis locis & certis temporibus unum hominem & unum equum & Saccum cum Brochia, pro aliqua necessitate vel utilitate exercitum suum contingente.*

**Sacreboꝛgh**, alias **Sikerboꝛgh**, *Securus plegius vel pignus*, A good Pledge or sufficient Caution. See *Sacaburh*.

**Sack of Wool**, *Saccus Lane*, Is a Quantity of Wool containing Twenty-six Stone, and every Stone Fourteen Pounds. *14 E. 3. stat. 1. cap. 2.* See *Sarplar*. In Scotland it is Twenty-four Stone, and each Stone Sixteen Pounds. See *Skene*.

**Sacrafield Rents** Are certain small Rents paid by some Tenants of the Manor of *Obuton* in *Somersetshire*, to *Sir Charles Waldgrave* Lord thereof; but he cannot tell why they are so called.

**Sacramento recipiende**, *quod vidua Regis fecit non maritabit sine licentia Regis*, Is a Writ or Commission to one, for the Taking of an Oath of the King's Widow, that she shall not marry without the King's Licence. *Reg. Orig. fol. 228.*

**Sacramentum**, An Oath: The common Form of all Inquisitions made by a Jury of free and legal Men—*Qui dicunt super Sacramentum suum.* Whence possibly the proverbial Offering to take the Sacrament in affirming or denying, was first meant of attesting upon Oath.

**Sacramentum Altaris**, The Sacrifice of the Mass, or what we now call the Sacrament of the Lord's Supper. For which Communion, in the Times of Popery, the Parish-Priest provided Bread for the People, and Wine for himself, out of the ample Offerings; and in appropriated Church this Burden was commonly laid upon the Vicar, because he received the customary Oblations.—*Panem & vinum pro Sacramento Altaris Vicarius illius Ecclesia (i. e. de Meriton Com. Oxon.) propriis sumptibus exhibebit.* *Paroch. Antiqu. pag. 483.*

**Sacramentum plenum**, *Diffum reor* (says *Spelman*) *de completo numero ducenario, ut in Leg. Edw. Confes. ab Ingulpho datis, cap. 17.*

**Sacrilegium**, Sacrilege, or an Alienation to Lay-Men, and to profane or common Purposes, of what was given to religious Persons, and to pious Uses. Our honest Fore-fathers were very tender of incurring the Guilt and Scandal of this Crime. And therefore when the Order of the Knights-Templars was dissolved, their Lands, &c. were all given to the Knights Hospitallers of *Jerusalem*, for this Sacred Reason.—*Ne in pios usus erogata contra donatorum voluntatem in alios usus distraberentur*—*Paroch. Antiquit. p. 390.*

**Sacrissa**, (*Lat.*) In old Times called *Sagerfon*, and *Sagiston*; now *Sexton*.

**Sacrobarra**, *Lib. MS. de Officio Coronatoris*, *Inquirendum est per 12 juratores pro Rege super Sacramentum suum quod fideliter presentabunt sine ullo concealamento omnes fortunas, (i. fortasse occisos) abjuraciones, appella, murdra, Sacrobarra, felonias factas, per quas & quæ, &c. Quære*, saith *Spelman*, if *Sacrobarra* be not the same with *Sacrilegia*.

**Safe Conduct**, *Salvus Conductus*, Is a Security given by the Prince, under the Great Seal of England, to a Foreigner, for his quiet coming in and passing out of the Realm; touching which, read the Statutes, *15 H. 6. 4. 18 H. 6. 8. & 28 H. 8. cap. 1.* and the Form of it, *Reg. Orig. fol. 25.*

**Safe Guard**. See *Salva guardia*.

**Safe Pledge**, *Salvus plegius*, Is a Surety given for a Man's Appearance against a Day assigned. *Bracton, lib. 4. cap. 2. num. 2.* where it is also called *certus plegius*.

**Sageman**, (*Sax.*) *LL. Hen. 1. cap. 36.* Seems to signify a Tale-teller, or secret Accuser. From the *Sax. Saga, i. e. Fabula*.

**Sagibaro**, alias **Sachbaro**, The same that at present is called *Jufficiarius*; for *Sagibarones* were *causarum judices qui in publicis conventibus jus dicebant litetq; dirimebant*, from whence also the Name may be derived; for *Sac* or *Sag* signifies *Causam* or *litem*, and *Baro*, *virum vel hominem*, as one would say, *Vir causarum*, a Judge.

**Sagitta Barbata**, A bearded Arrow, such as we usually call *A broad Arrow*. *Reddendo inde annuatim pro omni servitio sex Sagittas Barbatas ad Festum Sancti Michaelis, &c. Carta Hugonis de Loigis, sine Dat.*

**Sagittaria**, A Sort of small Vessels, or Ships with Oars and Sails. *Exin pro varietate locorum vario desudans navigio, modo Sagittario, modo lintre, nec tam utens remo quam velo.* *R. de Diceto, Anno 1176.*

**Sagmarius equus**, A Sumpter-Horse; from *Sagma, orus*.

**Sailing Ware**, *Anno 1 R. 3. cap. 8.* May be Canvas, or such other Cloth as Sails for Ships are made of.

**Said & Saiones**, *Fori vel Magistratus Minister*, A Tipstaff or Serjeant at Arms, *qui reos protrahunt in judicium*. It may be derived from the *Sax. Sagol, Fustis*, because they use to carry a Rod or Staff of Silver.

**Saka**, *Hoc est, Quod Prior habet emendas & amerciamenta de transgressionibus hominum suorum in Curia sua litigantium tam liberorum, quam Villanorum.* *Reg. Priorat. de Cokesford. See Sac.*

**Saker**, A great Field-gun.

**Salarium**, *Salinum*, A Salt-seller—*Idem Abbas reliquit unum scybbum de Tamaris, unum Salarium argenteum & picarium argenteum.*—*Cartular. Abbat. Glaston. MS. f. 54. a.*

**Sallarium** Is the Latin Word for Custom paid for Salt, according to *Cambden* in his *Brit. Tit. Cheshire*.

**Salary**, *Salarium*, Is a Recompence or Consideration made to Man, for his Pains or Industry bestowed on another Man's Business. The Word is used *23 E. 3. cap. 1.* The Word *Salarium* at first signified the Rents or Profits of a *Sala*, Hall or House. (In *Gasloigne* they now call the Seats of Noblemen *Sales*, as we do Halls.) It afterwards stood for any Wages, Stipend, or annual Allowance.

**Salteræ**, *Saludy* in *Bedfordshire*.

**Salet** Is a Head-piece, (*Anno 4 & 5 Phil. & Mar.*) From the French *Salut, i. e. Salus*; mentioned also *20 Rich. 2. cap. 1. viz. Sallet* or *Scul* of Iron, &c. otherwise called a *Morian* or *Pot*.

**Salicetum**, An Osier Bed, or low moist Place on the Banks or Eyts of a River for the Growth of Osiers, Willows or Withies. Saxon *Weliger*, old English, *Wickers*. Thence a *Wicker-Basket*, a *Wicket* or *Door* made of Basket-work, &c.

*Molendinum*

*Molendinum de Kertlinton cum quadam particula Saliceti, qua de meo feodo est.* Paroch. Antiquit. p. 201.

**Salicher**, (*Puto pro Saligerio*) A carrying of Salt by Way of Service, by Tenants for their Lords. See *Hofterium*.

**Salina**, A Salt-pit, a House or Place where Salt is made, *In Herbagiis & Piscariis, in salinis & Fabricis, in mineris ferreis, &c.* Cart. 17 E. 2. num. 28.

**Salina** Is sometimes wrote for *Salina*, i. e. a Pound-Weight. *Statutum R. 1. pro Cruceignatis, viz. Si quis bladum emerit, & de eo panem fecerit, tenetur lucrari in Salina unum teruncium & Bran-num.*

**Salique Law**, *Lex salica, De terra salica nulla portio hereditatis mulieri veniat, sed ad virilem sexum tota terra hereditas perveniat, &c.* was an ancient Law made by *Pharamond* King of the *Franks*, Part of which seems to have been borrowed by our *Henry* the First in compiling his Laws, as cap. 89, *Qui hoc fecerit secundum Legem salicam moriatur, &c.*

**Salina**. See *Salina*.

**Salmon-pipe**, 25 H. 8. cap. 7. Is an Engine to catch *Salmons*, or such like Fish.

**Salmon** selwe Seems to be the young Fry of *Salmon*, *Quasi salmon issue.* 13 R. 2. stat. 1. cap. 19.

**Saltatorium**. A Deer-leap. *Clamat habere liberum Parcum suum apud Halton cum duobus Saltatoriis in eodem.* Pl. apud *Cestriam* 31 Edw. 3. *Quod habeat unum Saltatorium, longitudine 20 pedum in Parco suo de Bigging.* Pat. 1 Edw. 3. p. 2. m. 10.

**Salt-silver**, One Penny paid at the Feast of *St. Martin*, by the servile or customary Tenants to their Lord, as a Commutation for the Service of carrying their Lord's Salt from Market to his Larder. — *In manerio de Pydinton quilibet virgatiarius dabit Domino unum denarium pro Salt-silver per annum, ad dictum Festum S. Martini, vel carabunt salem Domini de foro ubi emptus fuerit ad Lardarium Domini.* Kenner's Paroch. Antiquit. pag. 496.

**Saltus**, Highwood. See *Boscus*.

**Salva garda** Is a Security given by the King to a Stranger, fearing the Violence of some of his Subjects, for seeking his Right by Course of Law; the Form whereof see in *Reg. Orig. fol. 26.*

**Salvage Money** Is a Recompence allowed by the Civil Law, in Lieu of all Damages sustained by that Ship that saves or rescues another which was set upon by Pirates or Enemies.

**Salvagiis**, Wild. Savage. *Salvagiis Catus*, The wild Cat. *Rex Johannes dat licentiam Ricardo Godsfeld & b redibus, quod habeant octo brahetos & unum Leporarium in foresta nostra de Essex, ad capiendum vulpem & leporem & catum Salvagium.* Rot. Cart. 1. Joh. p. 2. m. 10.

**Salute**, *Salus*, Was a Coin of Gold stamped by King *Henry* the Fifth in *France* after his Conquests there: Whereon the Arms of *England* and *France* were stamped quarterly, see *Stow's Ch. pag. 589.*

**Salvus Plegius**. See *Plegius*.

**Santa** Are the Reliques of the Saints; and *Jurare super Santa*, was to make Oath on those Reliques. *Si quis falsum juramentum super Santa jurabit & convictus fuerit, &c.* Leg. Canuti, cap. 57.

**Sanctuary**, *Sanctuarium*, Is a Place privileged by the Prince, for the Safeguard of Men's Lives that are Offenders, being founded upon the Law of Mercy; and upon the great Reverence, Honour and Devotion, which the Prince beareth to the Place whereto he granted such a Privilege. *Staundf. Pl. Cor. lib. 2. cap. 38.* This seems to have taken Beginning from the Cities of Refuge, mentioned *Exod. cap. 21.* In Imitation whereof, first the *Athenians*, then *Romulus*, erected such a Place of Immunity, which they called *Asylum*. *Polydor. Virgil. de inventionem rerum, lib. 3. cap. 12.* The like did the Roman Emperors, as appears, *Cor. lib. 1. Tit. 15.* But amongst all others, our ancient Kings of *England* attributed most to these *Sanctuaries*, permitting them to shelter such, as had committed both Felonies and Treasons, so that within Forty Days they acknowledged their Fault, and submitted themselves to Banishment; during which Time, if any Layman expelled them, he was excommunicated, if any Clerk he was made irregular: But after Forty Days, no Man might relieve them. *Staundf. Pl. Cor. lib. 2. cap. 38.* See of this the *New Book of Entries*, verb. *Sanctuary*, and *Fleta, lib. 1. cap. 29.* and how by Degrees they have been taken away, read 26 H. 8. 13. 28 H. 8. 7. 32 H. 8. 12. 33 H. 8. 15; 1 E. 6. 12. 2 E. 6. 2 & 33. 5 E. 6. 10. See *Abjuration*. Of these there were many in *England*, but one more famous than the Rest at *St. Febn's* of *Beverley*, which the Saxons called *Fridstoll*, which had this Inscription, *Hac sedes Lapidea Freedstoll, dicitur, i. Pacis Cathedra ad quam reus fugiendo proveniens, omnimodo habet securitatem.* So had *St. Martins le Grand* in *London*. 21 H. 8. cap. 16. *Rippon* had the like; for which see *Froamortel*. *Croyland* had the like, granted by *Whitlase*, King of the *Mercians*. *St. Buriens* in *Cornwal* had the like, granted by *K. Athelstan*, Anno 936. And *Westm.* the like, granted by King *Edward* the Confessor. This in *Scotland* they call *Girtbol*, or *Gritbol*.

**Sandacra**. — *Omnibus*, — *Guido filius Simonis*. — *dedit unum Testum cum Sandacra quæ ad illud pertinet. Sine dat. Penes Eliam Ashmole, Arm.*

**Sandall**, 2 R. 2. cap. 1. Is a Merchandise brought into *England*, and is a Kind of Wood brought out of *India*; for *Scandal* in *French* so signifies, and the like does *santalum* in *Latin*.

**Sandauvel**. In the Lordship of *Redeley* in *Com. Glouc.* the Tenants pay to the Lord a certain Duty of *Sand-gavel*, for Liberty granted to them to dig up *Sand* for their Uses. *Taylor's History of Gavelkind*, p. 113.

**Sandwich**. See *Rutupium*.

**Sanguinem emere**. *Omnnes Custumarii de Manerio de Greudon Episcopo debent Tak & Toll & Sanguinem suum emere. Lib. niger. Heref.* By which is understood, they were bound to buy or redeem their Villain Blood or Tenure, and make themselves Freemen.

**Sanguinem redimere**, To pay the Merchet, or accustomed Fine, for Leave given to servile Tenants to dispose of their Daughters in Marriage. — *Præterea dicunt quod debent redimere sanguinem suum, ita quod maritadium non se defaciat propter duritiam prædicti Abbatis* — Cartular. Rading. MS. fol. 223. a.

**Sanguis** Is taken for that Right or Power which the Chief Lord of the Fee had to judge and determine Cases where Blood was shed. *De murderia & rapina, de igne, de Sanguine, de sanfocke*

*sanfoche & de omni purprestura.* Mon. 2. Tom. pag. 1021.

**Sarabara**, A Covering for the Head. *Ille per civitatem Londinensem, vallatus quatuor tortoribus larvatis & effigiatis in Sarabaris, impropertantibus ei convitia exprobrantur.* Mat. West. Anno 1295.

**Sarcinetime** Is the Time when the Husbandman weeds his Corn. And it proceeds from the French *Sarcler*, or the Latin *sarclare*, both which signifies to weed; from whence also proceeds *sarclum*, a weeding Hook.

**Sarcio**, Cordage for Ships. *Hastings debet invenire 21 naves, in qualibet navi 21 homines cum Sarcione,* &c. W. Thorn.

**Sarculatura**, Weeding Corn. *Una Sarculatura, the Tenants Service of one Day's Weeding for the Lord.*— *Tenet in bondage, & debet unam aruram, & unam sarculaturam.* Paroch. Antiquit. pag. 401. *Alicia quæ fuit uxor Richardi le Grey faciet unam sarculaturam, & unam Wedbedripam,* ib. pag. 403.

**Sarkellus**, An unlawful Net or Engine for destroying Fish.—— *Inquisitiones factæ coram Justiciariis anno 1254.*— *De hiis qui piscantur cum Kidellis & Sarkellis.* Annal. Barton, pag. 339.

**Sarplar** of Wool, *Sarplera Lana*, otherwise called a *Pocket*, is half a Sack, a Sack Eighty Tod, a Tod Two Stone, and a Stone Fourteen Pound. *Fleta, lib. 2. cap. 12.* This in Scotland is called *Serpliath*, and contains Four-score Stone. For the Lords of the Council, Anno 1527. decreed four *Serpliaths* of packed Wool to contain Sixteen-score Stone of Wool. See *Skene de verbor. signif. verb.* *Serpliath*, and 3 part, Inst. fol. 96.

**Sart**, *Essart*, A Piece of Wood-land turned into Arable. See *Affart*.

**Sartum**. See *Affart*.

**Sarum** Is intended for the City of Salisbury; It was a Form of Church-Service called *Secundum usum Sarum*, and was composed by Osmund the Second Bishop of *Sarum* in the Time of William the Conqueror. *Holingshead, p. 17. col. B.* See *Sorbiodunum*.

**Sasse**, Anno 16 & 17 Car. 2. cap. 12. Is a Kind of Weir with Flood-gates, most commonly in our Rivers, for the Shutting up and letting out the Water, as Occasion requires, for the more ready passing of Boats and Barges to and fro. This in some Places, as *Guilford River*, is called a *Lock*, in others less properly a *Turnpike*, and in others a *Sluce*.

**Saxons**, The Corruption of Saxons, a Name by which the English were formerly called in Contempt, (as they are still by the Welsh) while they rather affected the Name of *Angles*.

**Saura**, A broad Dish or Platter.—— *Ubi-  
cunque tamen comederet, satiram habebat coram se  
capacissimam, quam de appositis sibi cibis in elemosy-  
nam infirmorum cumulabat.* Vita Rob. Betun Epi-  
scopi Hereford. apud Whartoni Angl. Sacr. P. 2.  
pag. 309.

**Saturdays-stop** Is a Space of Time in which of old it was not lawful to take Salmons, in Scotland, and the North of England, that is, from Even-song on Saturday, till Sun-rising on Monday.

**Saver default** Is Word for Word to excuse a Default: This is properly, when a Man having made a Default in Court, comes afterwards and alleges a good Cause why he did it, as Imprison-

ment at the same Time, or such like. *New Book of Entries, verb. Saver de default.*

**Saunkefine** May be derived from the French *Sang, sanguis*, and *fin, finis*; and is a Phrase used by Briton, cap. 119. for the Determination or final Race of a Descent of Kindred.

**Saurus**, i. e. A Hawk of a Year old. *Per servitium unius asturtii Sauri, vel unius Esparverii Sauri.* Bracton, lib. 5. tra&. 1. cap. 2. par. 1.

**Sauvagina** for *Salvagina*, or *Silvagina*, i. e. Beasts which live in the Woods. *De tota Sauvagina & omnibus bestiis silvestribus cujuscunque generis forent,* &c.

**Saxonlage**, *Seaxenlaga*, *Lex Saxonum*. See *Merchenlage*.

**Scabini**, Wardens, was a Word used by the Wardens of Linne in Norfolk, in a Charter in these Words, *Sciant presentes & futuri quod nos Richardus Bowghere Aldermanus, Edw. Baker, Joh. Browne, Rob. Some, & Will. Hall, Draper, Custodes sive scabini & fratres fraternitatis sive Gilde Mercatoria sancte Trinitatis ville Lenne Episcopi in Com. Norf. pro quadam pecunie summa inter nos prefatum Aldermanum & custodes sive scabinos, & fratres & Thomam Miller de Lenne predicta mercatorem concordati, tradidimus, dimissimus & secessavimus,* &c. totum illud Messuagium nostrum, &c. Dat. 20 die Apr. Anno Reg. Regis, Hen. 8. 18.

**Scalam**, The old Way of paying into the Exchequer Twenty Shillings and Six Pence for a Pound Sterling. *Gervase of Tilbury* reports, that King William the First, for the better Pay of his Warriors, caused the Arms, which till his Time had for the most Part been answered in *Vi&uals*, to be converted in *Pecuniam numeratam*, and directed the Whole in every County to be charged on the Sheriff, to be by him brought into the Exchequer; adding, that the Sheriff should make the Payment *Ad Scalam*, *hoc est* (as the foresaid Author expounds it) *solvet prater quamlibet numeratam libram sex denarios.* For at that Time Six Pence super-added made up the full Weight, and near the intrinsic Value. *Vide Lownd's Essay on Coin, pag. 4.* This was agreed upon as a Medium to be the common Estimate or Remedy for the defective Weight of Money, thereby to avoid the Trouble of weighing the Money brought into the Exchequer. *Vide Hale of Sheriffs Accounts, pag. 21.*

**Scalera**, The same with *Scaliera*, i. e. a Quarry or Stone-Pit. *Et inde sicut Regale Obiminum se extendit usque ad Scaleram quæ est super feodum Britii palmarii, & a dicta Scalera per quandam semitam,* &c. Du Cange.

**Scalinga**, A Quarry or Pit for Stones, or rather Slates for covering Houses. French *Escailiere*. Whence our *Scales*, and the *scaling* of Stones.—— *Communem pasturam totius more, cum liberis hominibus meis, & unam scalingam in competenti loco ultra Hertingburn.* Mon. Angl. Tom. 2. pag. 130. *in bosco, In plano, in pratis, in pascuis, in müssis, & scalingis,* &c. ib. p. 633.

**Scalingæ**. *Rich. de Luci omnibus. Sciatis me dedisse Burgensibus meis de Egremund & heredibus suis Grefceoh, cum omnibus pertinentiis suis, & terram de Ulecotes, &c. Et sciendum est quod possint Scalingas suas ponere in predicta terra juxta divisas de Suntun inter Milneberch & Eben, ita quod nullus homo ibi manere debet ad focum & locum, prater pastores, &c.* Penes Will Dugdale Mil. Of which Word thus a learn-



a learned Person writes: "I have no where else met with your *Scalinge*, and am as much to seek for the Meaning of it as your self. If I may contribute my Conjecture, I should guess by *Scalingas* are meant Partitions or Divisions; as coming from the Saxon *Scyle*, *Distinctio*, *Separatio*, whence their Verb *Scylan*, *Distingere*, *separare*. In which Sense the Dutch (as I learn from *Kilian*) use *Scheelen*." The Foot-grates at Church-yards are called *Scalinge*.

**Scandalum Magnatum** Is the special Name of a Statute, and also of a Wrong done to any high Personage of the Land, as Prelates, Dukes, Earls, Barons, and other Nobles; and also to the Chancellor, Treasurer, Clerk of the Privy Seal, Steward of the House, Justice of one Bench or other, and other great Officers of the Realm, by false News, or horrible or false Messages, whereby Debates and Discords betwixt them and the Commons, or any Scandal to their Persons might arise. Anno 2 R. 2. cap. 5. and hath given Name to a Writ, granted to recover Damages thereupon.

**Scangium**, for *Excambium*.

**Scannum caducum**, *Scannum caducum*, A Cucking-Stool, or Ducking-Stool. — *Debet mulier pro debili, i. e. mala cervisia tertio vice pati iudicium corporale, scilicet in scanno caduco, & tum cervisia debet capi in manu Abbatis.* — *Consuetudines Abbatie de Farrendon*, MS. fol. 22.

**Scapton** for *Sceptrum*. *Missurum etiam argenteum. Scapton aureum, item sellam cum freno aureo, &c.* Mon. 1 Tom. pag. 24.

**Scatatus** Signifies either Chequered or Scarlet. *Caligis etiam rubris, etiam Saccatis*, for *Scatatis*. *Concilium Londinense*, Anno 1342. cap. 2.

**Scavage**, *Scavagium*, It is otherwise called *Schevage*, *Shewage* and *Scheauwing*, may be deduced from the Saxon *Seawian*, *ostendere*, and is a Kind of Toll or Custom exacted by Mayors, Sheriffs, &c. of Merchant-strangers, for Wares shewed or offered to Sale within their Precincts, which is prohibited by the Statute 19 H. 7. 8. In a Charter of Henry the Second to the City of Canterbury, it is written *Scewinga*, and (in *Mon. Ang. 2 per. fol. 890. b.*) *Sceawing*; and elsewhere I find it in Latin *Tributum Ostensorium*. The City of London still retains the Custom, of which in *An old printed Book of the Customs of London*, we read thus, *Of which Custom halfe del appertaineth to the Sheriffs, and the other halfe del to the Hostys in whose Houses the Merchants been lodged: And it is to wet that Scavage is the Shew by cause that Merchandies shewn unto the Sheriffs Merchandises, of the which Customs ought to be taken ere that any thing thereof be sold, &c.*

**Scavenger**, From the Belgick *Scavan*, to scrape. Two of every Parish within London and the Suburbs, are yearly chosen into this Office, who hire Men called *Rakers*, and Carts to cleanse the Streets, and carry away the Dirt and Filth thereof, mentioned 14 Car. 2. cap. 2. The Germans call him a *Drecksimon*, from one *Simon*, a noted *Scavenger* of *Marburg*.

**Sceap**, A Measure of Corn. Latin *Scapa*. *Scephus* from *Scapha*, a Boat, or *Skip*, or *Sciff*. *Scep* is, a Quantity of Salt. *Mon. Ang. Tom. 2. pag. 264.* — Eight Quarter and one *Sceap* of Wheat. *Paroch. Antiq. pag. 604.* A Basket (and Baskets were formerly the common Standards of Measure) is now called a *Skip* or *Skep* in the South Parts of England; and a Bee hive is termed a *Bee-skip*.

**Sceata**, (From the Saxon *Sceat*, i. e. a small Part.) This was a brass Coin amongst the Saxons equal to Four Saxon Farthings; so that Five *Sceats* made Six Pence.

**Sceithman**, (Saxon) A Pyrate or Thief. *LL. Etheldredi, apud Brompton.*

**Sceppa** salt, An antient Measure of Salt, the Quantity (I think) now not known. *Et quinque Sceppas salis per annum de salinis meis de Westmon.* Mon. Angl. 2 Par. fol. 824. b.

**Sceurum**, A Barn or Granary. It is mentioned in *Ingulphus*, pag. 862. *Ccepit largiente dominus bonis omnibus abundare ut tam in Thesauris quam Sceuris postmodum duplia redderentur.*

**Schaffa**, A Sheaf, as *Schaffa sagittarum* a Shoaf of Arrows. See *Skene de verbor. signif. verbo*.

**Scharpenny**, — *Sampson Dei gr. Abbas S. Edmundi & Cono. salutem, &c. facta est compositio inter Nos & Burgeses de villa S. Edmundi quod Prepositus ejusdem ville dabit singulis annis — denarios quos appellabant Repesilver, item denarios pro faldagio vaccarum ipsius ville quos nominabant Scharpenny, &c.* Cartular. S. Edmundi, MS. fol. 247. From whence I think may be inferred, that some customary Tenants were obliged to pen up their Cattel at Night in the Pound or Yard of the Lord, for the Benefit of their Dung, or if they did not so, they paid a small Compensation call'd *Scharpenny* or *Scharpenny*, i. e. Dung-penny, or Money in Lieu of Dung. The Saxon *Scearn* signified Muck or Dung. In some Parts of the North they still call Cow-dung by the Name of *Cow-Skern*, and in *Westmorland* a *Searny Hought*, is a nasty dirty Dunghil-Wench. The same Duty above mentioned was likewise called *Schornpenny*, nearer to the Original *Scearn*, Dung, and is thus plainly described in the same old Cartulary of St. Edmundsbury in *Suffolk*. — *Burgesibus ville S. Edmundi data est quitantia cujusdam consuetudinis que dicitur Schornpenny* — *Solebat enim Cellerarius accipere unum denarium per annum de qualibet vacca hominum ville pro exitu, (i. e. their Dung) nisi forte essent vacca Capellanorum vel Servientium Curie quas vaccas solebat imparcare.* — ib. fol. 31.

**Scharaldus**, The Officer who collected the *Savage-Money*, which was sometimes done with Extortion and great Oppression. *Richardus Episcopus Dunelmensis consecratus Anno 1311. Schavaldos insurgentes in Episcopatu fortiter composuit. Aliqui suspendebantur, aliqui extra Episcopatum fugabantur.* Hist. Dunelm. apud Wharton. Ang. Sac. P. 1. p. 756. *Rex nitebatur fratrem Episcopi capere, & in vindictam Schayvaldi vel Predonis Johannis de Werdala a Servis Episcopi occisi in Insula sacra in mortem tradere.* Ibid.

**Scheren-silver**, Shearing-silver, or a Payment of a small Sum of Money to the Lord by a customary Tenant for the Liberty of Shearing his Sheep. In the Manor of *Berton Magna* held of the Abbot and Convent of St. Edmunds in *Suffolk*.

— *Alexander Rason tenet unum messuagium & quinque acras terre — Et si habeat bidentem vel vaccam dabit Scheren-silver sicut Rogerus de Holme.* Cartular. S. Edmundi, MS. fol. 26. b. Though possibly it is the same with *Scharpenny*, or Money given for Dung of Beasts.

**Scheter**, The Commons pray that Order may be taken against the horrible Vice of Usury, then termed *Schetes*, and praescribed by the Clergy as well as the Laity. *Rot. Parl. 14 Rich. 2.*

**Schilla**,

**Schilla**, A little Bell which was formerly used in the Monasteries, and often mentioned in our Histories, viz. *Sumpta in manibus chorda pro excitandis fratribus Schillam pulsantem*. Eadmerus lib. 1. cap. 8.

**Schildpenny**, *Tributum singulo scuto impositum, escuagium, scutagium, vide.*

**Schirman**, (Sax. *Scirman*.) A Sheriff. LL. Ina Regis apud Brompton. See *Shireman*.

**Scipfordunga**, *Apparatus navigii*, Ship-tackle.

**Skarcalla**. It was especially given in Charge by the Justices in Eyre, that all Juries should inquire *De hiis qui piscantur cum Kiddellis & Skarcallis*. Co. 2 par. Inst. fol. 38.

**Schirrens-geld**, *Schire-geld*, A Tax paid to the Sheriffs for keeping the Shire or County-Court. In Berton Magna *Willielmus Filius Johannis Marchaunt tenet partem messuagii & unam acram terre & reddit quolibet tertio anno unum den. ad Ward-silver die S. Petri ad vincula & quolibet tertio anno 1 denar.* Hundreds-geld & Schirrenes-geld — *temp. Ed. 1. Ex Cartular. Abbat. S. Edmundi.* MS. fol. 37. b.

**Scilly Isles**. See *Sikina Insule*.

**Scire facias** Is a Writ Judicial, most commonly to call a Man to shew cause to the Court whence it issues, why Execution of a Judgment passed, should not be made out: This Writ is not granted until a Year and a Day be elapsed after a Judgment given. *Old Nat. Brev. fol. 151.* Scire facias upon a Fine lies not, but within the same Time after the Fine levied, otherwise it is the same with the Writ of *Habere facias seisinam*. *West Symbol. part. 2. Tit. Fines, sect. 137. and 25 E. 3. Stat. 5. ca. 2. & 39 El. c. 7.* Other Diversities of this Writ you may find in the Table of the Register Judicial and Original. See also the *New Book of Entries*, verb. *Scire facias*.

**Scirewote**, The annual Tax or Prestation paid to the Sheriff, for holding the Assizes or County-Courts. — *In solutiis pro quadam pensione vocata Scirewote annuatim 10 sol.* — *Paroch. Antiqu. p. 573.*

**Scitte**, 32 H. 8. cap. 20. See *Sife*.

**Scogilus**, The Hilt or artificial Handle of a Sword. — *Ensis Scogilatus*, a Hilted Sword. — *Si inter aliquos dissensio consurgat, ex quo aliquis eorum gladium scogilatum evaginet, non est etiam expellendum ut percutiat.* Leg. Hen. 1. cap. 83.

**Scot**, (Sax. *Sceat*, i. e. a Part or Portion) is (according to *Rassal*) a certain Custom or common Tollage, made to the Use of the Sheriff or his Bailiffs. Scot (says *Cambden* out of *Matth. Westm.*) *illud dicitur, quod ex diversis rebus in unum acervum aggregatur.* Anno 22 Hen. 8. cap. 3. Bearing neither Scot, Lot, nor other Charges, &c. Anno 33 H. 8. c. 9. In Records it is sometimes written *Scoth*.

**Scot and Lot** (Anno 33 Hen. 8. cap. 9.) Signifies a customary Contribution laid upon all Subjects, according to their Ability. *Hoveden* (in principio Hen. 2.) writes it *Anlote & Anscote*. In the Laws of William the Conqueror, set forth by *Lambard*, you have these Words; (cap. 54.) *Et omnis Francigena, qui tempore Edwardi propinqui nostri fuit in Anglia, particeps consuetudinum Anglorum, quod ipsi dicunt Anlote & Anscote persolvat secundum legem Anglorum.* Again; *Rex omne injustum Scotum interdixit.* *Hoven.* in Anno 1088. Scot, from

the Sax. *Sceat*, ut supra; Lot, Sax. *Llot*, i. e. Sors.

**W**illielmus Rex Anglorum *Herberto Norwicensi Episcopo & omnibus Baronibus suis de Norfolk & Suffolc salutem. Sciatis me dedisse Sancte Trinitati Norwicensis Ecclesie, rogatu Rogeri Bigoti, terram Michaelis de Utmonasterio & terram de Tancrham, que ad eandem terram pertinet, quietam semper & liberam ab omnibus Scottis & Geldis, & omnibus aliis Consuetudinibus.* T. Eudone *Dapifero apud Westm.* &c.

See of the Bishop in *Loisinga*.

**Scotal**, or **Scotale**, (*Scottalla & Scotalium*.) is a Word used in the Charter of the Forest c. 8. *Nullus Forestarius vel Bedellus faciat Scotallas, vel Garbas colligat, vel aliquam Collectam faciat, &c.* *Manwood, Par. 1. pag. 216.* defines it thus: A Scotal is where any Officer of the Forest keeps an Ale-house within the Forest, by Colour of his Office, causing Men to come to his House, and there to spend their Money for Fear of Displeasure. It is compounded of *Scot* and *Ale*; which by Transposition of the Words is otherwise called an *Ale-shot*, and by the Welshmen *Cymmorth*.

**M**emorandum, quod *predisti tenentes* (de South-malling) *debent de consuetudine inter eos facere Scotalium de xvi denariis & ob.* Ita quod de singulis sex denariis detur 1 denar. & ob. ad potandum cum Bedello Domini Archiepiscopi super predictum Feodum. Ex vetere Consuetudinario Manerii de South-malling Archivis Archiep. Cantuar.

*Spelman* derives it from *Scot & Tallia*, i. e. a Tribute. So that *Scotalium* is a Kind of Contribution of any Thing. And *Brompton* is of the same Opinion, viz. A Contribution towards the Charge of the Bailiffs. But in the *English* Councils it signifies a Drinking-bout. *Communes potationes quas Scotallas mutato nomine caritatis appellant, detestantes.* Concil. Lambeth. Anno 1206. c. 2.

**Scottare**. Those Tenants are said *Scottare* whose Lands are subject to pay Scot. Et de tota terra sua extra Burgum de Thetford de qua non Scottaverunt tempore Rogeri Bigot. *Monasticon*, 1 Tom. pag. 875. In a Charter of King Henry 1. to the Abbey of St. Edmund in Suffolk. — Et prohibeo ut Homines Sancti Edmundi & terra sua non aliter scottent quam tunc temporis fecerunt — *Test. Roberto Malet apud Westm. Ex Cartular. S. Edmundi.* MS. penes Joh. Episcopum Norwic. fol. 166.

**Schozars**, *Schozers*, Wheels for some Carriage; they seem to have been Plough-Wheels, from Saxon *Scos*, Shoes and *Erian* to Plough or Ear. — Et in uno pari rotarum vocat. *Schozears* empto ibidem vii sol. ii. den. — *Paroch. Antiquit. p. 373.*

**Scrudland**, A Saxon Word, and is *Terra cujus proventus vestibus emendis assignati sunt.* Land allotted for buying Apparel. See the *Saxon Dictionary* hoc verbo. Ita *Eadsius* quidam Presbyter in Charta sua Ecclesie Cantuar. data dedit etiam terram illam apud Orpedingunam in vita sua, pro anima sua, Deo in Ecclesia Christi servientibus in Scrudland, i. e. *Fundum vestiarii.* Sax. Dict.

**Scutage** (*Scutagium*, Sax. *Schildpenig*) Was a Tax or Contribution, raised from those that held Lands by Knights-Service, towards furnishing the King's Army, at One, Two, or Three Marks for

for every Knight's Fee, for Henry the Third, for his Voyage to the Holy-Land, and a Tenth granted by the Clergy, and *Sutage*, Three Marks of every Knight's Fee by the *Laity*. *Baronag. Anglia*, 1 Part. fol. 211. b. This was also levied by Henry the Second, Richard the First, and King John. See *Escuage*.

*Scutagio habendo* Was a Writ that lay for the King, or other Lord, against the Tenant that held by *Knights-Service*, to serve by himself, or else to send a sufficient Man in his Place, or pay, &c. where the King intended to make a Warlike Expedition against the *Scots* or *French*. *F. N. B. f. 83*. It is used in the *Register Original*, for him to recover *Escuage* of others, that hath either by Service or Fine performed his own to the King, fol. 88. b.

*Scute*, a French Gold Coin, value 3 s. 4 d. coined about the Year 1427. in the Reign of Henry V. It comes from the French Word *Ecu*, which signifies a Crown, or Gold Money. *Katherine*, Queen of England, had an Assurance made her of sundry Castles, Manors, Lands, &c. severally named, and valued to the Sum of Forty Thousand *Scutes*, every Two whereof were worth a Noble. *Rot. Parl. 1 H. 6. n. 40*. So the learned *Fortescū*, speaking of the Inns of Courts, says, *In his enim Hospitiis nequaquam potest studens aliquis sustentari minoribus expensis in Anno, quam octoginta Scutorum*, cap. 49.

*Scutella*, *Scotella*, From *Scutum*. Sax. *Scutel*, *Scuttle*, any Thing of a flat and broad Shape, like a Shield, especially a Plate or Dish, a shallow wooden Bowl or Platter is still called a *Scuttle*. And in *Kent*, the broader Shovel with which they turn Malt or Corn, is called the *Skuttle*. — *Et in duabus scutellis manualibus emptis ibidem vii den. &c.* *Paroch. Antiquit. pag 574*.

*Scutella eleemosynaria*, An Alms-Basket or *Scuttle*. *Et præterea singulis futuri seculi tres panes de Scutella eleemosynaria. Charta Wal. Mu-chegros*.

*Scutum Armorum*, A Coat of Arms — *Noverint universi per presentes me Johannam nuper uxorem Will. Leigh de Knightley Dominam & rectam heredem de Knightley dedisse, &c. Richardo Peshale filio Humfridi Peshale scutum armorum meorum. Habend. & tenend. ac portand. & utend. ubicunque voluerit, sibi & heredibus suis in perpetuum; Ita quod nec ego nec aliquis alius nomine meo aliquod jus vel clameum vel calumpniam in prædicto scuto habere poterimus, sed per presentes sumus exclusi in perpetuum, In cuius, &c. Dat. apud Knightley. Anno 14 H. 6.*

*Scyldmit*, (Sax.) *Multa detractata seu devellite militie*. *LL. H. 1. cap. 38*. Or rather, a *Mult* for any Fault; from the Sax. *Scilde*, i. e. *Delictum*, and *Wite*, *pæna*, *Si Scyldwite intra Burgum, & curiam fiat 30 denar. emendetur Regi & Thaynis* *Leg. H. 1. c. 38*.

*Scyra*. All the Tenants were bound to attend the *Scyregemot*; and those who neglected were to pay a *Mult* or Fine, which was called *Syra*, viz. *Si libera & quieta de Schyris & hundredis*. *Mon 1 Tom. pag. 52*.

*Scyr-civitatatis*, The *Scire*, Ward, or Division of a City. In *Eboraco civitate T. R. E. præter scyram Archiepiscopi fuerunt sex scyræ, una ex his est vastata in castellis*. *Lib. Domestici*.

*Sceyregemot* Is a mere Saxon Word, and signifies a Court held twice every Year (as the Sheriffs Turn is now) by the Bishop of the Diocese and the Ealderman (in Shires that had Ealdormen) and by the Bishops and Sheriffs, in such as were committed to the Sheriffs that were immediate to the King, wherein both the Ecclesiastical and Temporal Laws, were given in Charge to the Country. *Selden's Titles of Honour*, fol. 520. See *Consistory*. This Court at first was held Three Times in the Year, viz. *Et habeatur in Anno ter Burgimotus & Scire-motus*. *Leg. Canut. cap. 38*. But Edward the Confessor, cap. 35. appointed it to be held Twelve Times, and *Hundreda & Wapentachia duodecies in anno congregari*.

*Seal* (*Sigillum*) Is well known. The first sealed Charrer we find extant in England, is that of King Edward the Confessor upon his Foundation of *Westminster Abbey*. *Dugdale's Warwickshire*, fol. 138. b. Yet we read in the Manuscript History of Offa, King of the Mercians, — *Rex Offa literas Regii Sigilli sui munimine consignatas eidem Nuncio commisit deferendas*. And that Seals were in Use in the Saxons Time, see *Taylor's History of Gavellkind*, fol. 73. See *Wang. Anno 1536*. *Domini etiam atque Generosi, relictis imaginibus equitum in Sigillis, posuerunt Arma sua in parvis Scutis*. *Chron. Joh. Rossi, in Bibl. Cotton. Md. quod Henricus de Pergount die Luna in crastino S. Mich. venit in Cancellaria apud Lincoln & publice dixit quod Sigillum suum amisit, & protestatur, quod si aliquod Instrumentum cum Sigillo illo post tempus illud inveniretur consignatum, illud nullius esse valoris vel momenti*. *Claus. 8 Edw. 1. m. 3. dorso*. See *Sigillum* and *Obligation*.

It was usual in the Time of *H. 2.* and before, to seal all Grants with the Sign of the Cross: *Has donationes & ordinationes confirmarunt & cruce signarunt Henricus Rex & Matildis Regina*. *Monast. 3 Tom. f. 7.* and *Ordericus Vitalis* tells us, That Archbishop *Dunstan* with his Suffragans, *prædictarum rerum donationem facto crucis in Charta signo corroboravit*, lib. 4.

That most of the Charters of the English Saxon Kings were thus signed, appears by *Ingulphus*, and in the *Monasticon*, and that the Crosses were all Gold. But it was not so much used after the Conquest: *Nam Chirographorum confessionem Anglicanam qua antea usque ad Edwardi Regis tempora fidelium presentium subscriptionibus cum crucibus aureis aliisque signaculis firma fuerunt, Normanni condemnantes Chirographa Chartas vocabant*. *Du Cange. See Sigillum*.

*Sea-Law*. See *Oleron*.

*Sealer*, *Sigillator*, Is an Officer in Chancery appointed by the Lord Chancellor, or Lord Keeper of the Great Seal of England, to seal the Writs and Instruments there made in his Presence.

*Seame*, Saxon. See *Seme*.

*Seane-fish*, (1 *fac. Sess. 1. c. 25.*) Seems to be a Sort of Fish which is taken with a very great and long Net called a *Seane*.

*Seacher*. See *Alneger*.

*Sea-rober*, Anno 16 Car. 2. cap. 6. See *Pirate*.

*Seaton* See *Moridurum*.

*Seareebe* in villis maritimis is est qui maritima Domini jurisdictionem curat, litus lustrat, & ejusdem maris (quod *Wree* appellatur) Domino colligit. *Spelm.*

**Second Deliberance**, *Secunda deliberatio*, Is a Writ that lies for him, who, after a Return of Cattel, replevied; adjudged to him that distrained them, by reason of a Default in the Party that replevied, for the Replevying of the same Cattel again, upon Security put in for the Redelivery of them in case the Distress be justified. *New Book of Entries*, verbo *Replevin* in Second Deliverance, fol. 522. See *Dyer*, fol. 41. num. 4, 5.

**Second Marriage**, *Secunda Nuptia*, Is when after the Decease of one, he marries a second Wife. This our Law terms *Bigamus*, and had so little Favour to, that it admitted not such to holy Orders.

**Secretarium** Is a House or Chamber near the Church, in which the Plate and Garments of the Priests were kept, and like that which we now call a Vestry.

*Hic locus est veneranda penus quo conditur, & quo Promitur alma sacri pompa ministerii.*

Sometimes the Bishops and Priests sate together in these Vestries, to consult of the Affairs of the Church; and in Resemblance of that ancient Custom, the Minister, Churchwardens, and the chief Men of most Parishes do, even at this Time, meet in the Vestry, and consult of the like Matters.

**Secretarius**, *A Secretis*, A Secretary. The Word formerly signified any Confident, Favourite or Intimado. — *Cuncta denique agenda sua ad nutum unius Secretarii sui passim committere*. Paroch. Antiquit. pag. 388. The Title is now only given to him that is *ab Epistolis*, & scriptis *secretis*: As the Two Secretaries of State, &c.

**Secta**, A Suit of Cloaths. *Ad Sectam*, de *Secta*, according to such a Suit or Sort. As the Religious in the greater Convents gave Liveries *ad diversas sectas*, of different Suits or Kinds, according to the Condition and Office of those who received and wore their Livery. *Henricus Prior Elien. & Conv.* — *Noveritis nos concessisse Joh. Brewode — annuatim unam robam pro seipso de secta Armigerorum, & aliam de secta Valettorum pro famulo suo* — Dat. 14 Decemb. 16 H. 4. Cartular. Eccl. Elien. MS. f. 83.

**Secta ad Curiam** Is a Writ that lies against him who refuses to perform his Suit either to the County or Court-Baron. *F. N. B. f. 158.*

**Secta ad justitiam faciendam** Is a Service which a Man is bound to perform by his Fee. *Bracton*, lib. 2. c. 16. num. 6.

**Secta Curie**, Suit and Service done by Tenants at the Court of their Lord — *Homines de Hedington facient sectam curie Domini sex septimanis, & si Breve Domini Regis in dicta curia attachietur, tunc sectam illam facient de tribus septimanis in tres septimanas*. Paroch. Antiquit. pag. 320.

**Secta facienda per illam quæ habet ænitiam partem** Is a Writ to compel the Heir, that hath the Elder's Part of the Co-heirs, to perform Service for all the Coparceners. *Reg. Orig. fol. 177.*

**Secta Molendini** Is a Writ lying against him that was wont to grind at the Mill of B. and after goes to another Mill with his Corn. *Reg. Orig. f. 153. F. N. B. fol. 122.* But it seems by him, that this Writ lies especially for the Lord against his Frank-tenant, who held of him by making Suit to his Mill. See the *New Book of*

*Entries* on this Word *Secta ad molendinum*. And *Affises of Nuisance* are at present much turned into Trespasses and Actions upon the Case. See *Baldwinus ad titulum de servitutibus prædictorum in Insit.*

**Sectam proferre** Est *testimonium legalium hominum qui contractui inter eos habito interfuerint præsentibus producere*. *Fleta*, lib. 2. cap. 63. sect. Nullus. And *secta* is used for a Witness, *Id. lib. 4. cap. 16. sect. final. Habes tamen sectam unam vel plures, &c.*

**Secta Regalis**, A Suit so called, by which all Persons were bound twice in a Year to attend the Sheriff's Tourn, that they might be informed in Things relating to the Peace of the Publick; and this Suit was called *Regalis*, because the Sheriff's Tourn was the King's Leet; and it was a Court held that the People might be bound by Oath to bear true Allegiance to the King; for all Persons above Twelve Years old were obliged to take the Oath of Allegiance in this Court.

**Secta Shirarum**. *Per sectam shirarum clamat esse quiet. de secta in Com. Cestrie & Flint. coram Justic. Domini Principis in communi aula Placitorum.* Plac. in Itin. apud Cestriam, 14 Hen. 7. See *Kennet's Glossary in Secta Shirarum & hundredorum.*

**Secta unica tantum facienda pro pluribus hæreditatibus** Is a Writ that lies for that Heir that is distrained by the Lord to more Suits than one, in respect of the Land of divers Heirs descended unto him. *Reg. Orig. f. 177. a.*

**Sectis non faciendis** Is a Writ that lies for a Woman, who, for her Dower, ought not to perform Suit of Court. *Reg. Orig. f. 174.* It lay also for one in Wardship, to be freed of all Suits of Court during his Wardship. *Reg. Orig. f. 173, but see 12 Car. 2. c. 24.*

**Secondary**, *Secundarius*, That Officer who is the Second, or next to the chief Officer; as the *Secondary* of the Fine-Office; the *Secondary* of the Compters, who is next to the Sheriff of London in each of the two Compters; *Secondary* of the Office of the Privy Seal. *Anno 1 Ed. 4. cap. 1.* *Secondaries* of the Pipe, two: *Secondary* to the Remembrancers, which are Two Officers in the Exchequer. *Cambd. p. 113.*

**Secunda superoneratione pasturæ** Is a Writ that lies where Admeasurement of Pasture hath been made; and he that first surcharged the Common, doth again surcharge it, notwithstanding the Admeasurement. *Reg. Orig. fol. 157. Old Nat. Brev. f. 73.*

**Securitate inveniendi quod se non divertat ad partes externas sine licentia Regis**, Is a Writ that lies for the King against any of his Subjects to stay them from going out of his Kingdom; the Ground of which is, That every Man is bound to serve and defend the Commonwealth, as the King shall think meet. *F. N. B. f. 85.*

**Securitate pacis** Is a Writ that lies for one who is threatened Death or Danger, against him that so threatneth, and is taken out of the Chancery, and directed to the Sheriff; the Form and farther Use whereof, you may see in *Reg. Orig. f. 83. and Fitz. Nat. Brev. f. 79.*

**Sedatium**. See *Mortuary*; *Sedatium Commune respui non debet, si modicum fuerit; si magnum, accipiendum usque pretium Vacca, &c.*

**Se defendendo** Is a Plea for him that is charged with the Death of another, saying, He was necessitated to do that which he did in his own De-



**Defence:** The other so assaulting him, That if he had not done as he did, he must have been in Hazard of his own Life: But this Danger ought to be so great, that it seems inevitable. *Stannf. Pl. Cor. lib. 1. c. 7.* And though he justify it to be done in his own Defence, yet he is driven to procure his Pardon of course from the Lord Chancellor, and forfeits his Goods to the King, according to the same Author.

**Seed-cod;** A Basker, or other Vessel of Wood carried upon one Arm of the Husbandman, to bear Seed or Grain, which he sows with the other Hand. From Sax. *Sed*, Seed, and *Codde*, a Purse or such like Continent. Hence *Codd* in *Westmoreland* is a Bolster or Pillow, and in other Northern Parts a Cushion, as a *Pin-cod*, i. e. a Pin-cushion. A *Horse-cod*, i. e. a Horse-collar to guard his Neck. — The Cod of a Man or Beast, a *Cod-piece*, a *Peascod*, &c. — *Pro uno Seed-cod empto in d. Paroch. Antiquit. p. 549.* See *Kennet's Glossary in Seed-cod.*

**Seedee,** A Seedsmen, or one who sows the Ground: from the Sax. *Sedere*, which signifies Seed or Seedsmen.

**Segodunum,** *Seaton* in *Northumberland.*

**Seignior,** *Dominus*, Is borrowed of the French *Seigneur*, and denotes in the general Signification as much as Lord; but particularly it is used for the Lord of the Fee, or of a Manor, even as *Dominus* or *Senior* among the *Feudists* is he who grants a Fee, or Benefit, out of the Land to another: And the Reason is, as *Hotoman* saith, because having granted the Use and Profit of the Land to another; yet the Property, that is *Dominium*, he still retains in himself. See *Hotoman in verbis feudal. verb. Dominus & senior.*

**Seigniorage,** 9 H. 5. Stat. 2. cap. 1. Seems to be a Royalty or Prerogative of the King, whereby he challengeth Allowance of Gold and Silver brought in the Mafs to his Exchange for Coin. By *Seigniorage* or Royalty out of every Pound-Weight of Gold, the King had for his Coin Five Shillings, out of which he paid to the Master of the Mint for his Work sometimes one Shilling, sometimes Eighteen-pence. Upon every Pound-Weight of Silver, the *Seigniorage* or Coinage answered to the King in the Time of King *Edward 3.* was Eighteen Penny-Weight *pondere*, which about that Time amounted to one Shilling, out of which he paid sometimes Eight-pence, sometimes Nine-pence to the Master. In the Time of H. 5. the King's *Seigniorage* of every Pound-Weight of Silver was Fifteen-pence. Vid. *Hale of Sheriff's Accompts, p. 3.*

**Seignior,** *Dominium*, Is borrowed from the French *Seigneurie*, i. *dominatus, imperium, principatus*; and signifies wth us a Manor or Lordship, *Seigniorie de Sokemans*, *Kitch. fol. 80.* *Seigniorie in gross*, which seems to be the Title of him who is not Lord by Means of any Manor, but immediately in his own Person; as *Tenure in Capite*, whereby one holds of the King as of his Crown, is *Seigniorie in gross*. *Kitchin, fol. 206.* See *Seignior.*

**Seignior in gross** Seemeth to be one that is a Lord, but of no Manor, and therefore can keep no Court. *F. N. B. fol. 3.*

**Seillon.** See *Selion.*

**Seisin,** *Seisina*, From the French *Seisne*, possessio: So *Primier Seisin* is the first Possession, and to *seise*, is to take Possession. See *Primier Seisin.* Of the French Word *Seisir*, is made the Latin *seisire*,

used both by the *Canonists* and *Civilians*. *Seisin* according to the Common Law is Twofold, *Seisin in Fact*, and *Seisin in Law*. *Perkin's Dower, 369, 370.* *Seisin in Fact* is, when a corporal Possession is taken; *Seisin in Law*, when something is done, which the Law accounteth a *Seisin*, as an Inrolment: And this *Seisin in Law* is as much as a Right to Lands and Tenements, though the Owner be by wrong disseised of them. *Perkin's Tenant par le curtesie, 457, 458.* And it seems by *Ingham*, That he who hath an Hour's Possession quietly taken, hath *Seisin de droit & de claime*, whereof no Man may disseise him by his own Force or Subtilty, but must be driven to his Action, *sett Brievo de Novel Disseisin.* *Coke, lib. 4. fol. 9.* calls it *Seisin in Law*, or *Actual Seisin*. The *Civilians* call the one *Civilem possessionem*, the other *Naturalem.*

*Seisina habenda*, quia *Ver* habuit annum, diem & *Massum*, Is a Writ that lies for Delivery of *Seisin* to the Lord of his Lands or Tenements, after the King, in the Right of his Prerogative, hath had the Year, Day and Waste. *Reg. Orig. fol. 165.*

**Seiso, Seso-onis.** Season, or stated Time. — *Debet operari in qualibet septimana, a Festo S. Michaelis usque ad gulam Augusti quolibet die operabili unum opus, pretium operis ob. quadr. & a Festo S. Petri ad vincula usque ad Festum S. Michaelis unum opus in quolibet die operabili t. den. ob. excepto sescione hyemali.* Extent. *Manerii de Garinges in Spelman*, who leaves the Word unexplain'd.

**Sel** Signifies the Bigness of a Thing to which it's added, as *Selwood*, a great Wood.

**Selda** May be deduced from the Saxon *Selce*, Seat or Stool. *Affisa mensurarum, Anno 9 R. 1. apud Hoveden, — Prohibemus ne quis mercator pretendat seldæ sue rubros pannos vel nigros vel scuta vel aliqua alia, per quæ visus emptorum scire decipiuntur ad bonum pannum eligendum.* In *Majoribus Chronicis* ubi locus hic vertitur. *Spelman* says, *Selda* is expounded for a Window: It signifies also a Shop, Shed, or Stall, *Sciart, &c. quod ego Thomas Pencombe de Bromyard dedi, &c. Thomæ Forfenet vicario Ecclesiæ de Bromyard præd. unam seldam meam jacentem in Bromyard præd. &c. Dat. &c. Anno 10 H. 6. — Et medietatem unius seldæ vocat. Le Unicorn in London. Mon. Ang. 2. par. fol. 322.* *Selda* also signifies a Wood of Sallows, Willows, and Withies. *Sir Edward Coke (on Littl. f. 4. b.)* takes, or rather mistakes, *Selda* for a Salt-Pit.

**Selion of Land,** *Selio terra*, May be derived from the French *Seillon*, Ground rising between Two Furrows; in Latin *Porca*, in English a Ridge of Land, and contains no certain Quantity, but sometimes more, and sometimes less: Therefore *Crompton* in his *Jurisdiccions of Courts, fol. 221.* saith, That a *Selion* of Land cannot be demanded, because it is a Thing uncertain: It may not without some Probability be deduced from the Saxon *Sul* or *syl*, i. *araturum*; whence also the French *Seillonner*, id est, *arare*, to Plough. *Charta vetus Achronica* maketh Six *Selions* and a Half to be but one Acre. *Sciart — quod ego Margeria filia Willielmi de Ryleia dedi, &c. Emma filia mea pro homagio & servitio suo unam acram terre in campo de Camurth, scil. illas sex Seliones & dimid. cum foreva & sepe & fossato qua jacent in Aldewic juxta terram, &c.* See *Hade*, and *Kennet's Glossary in Selio.*

**Selunca.** See *Selion.*

**Sellam portare.** See *Armifcare.*

**Sellibus.** See *Selion*.

**Seme, Summa,** A Horse-load; A Seme of Corn is Eight Bushels. — *Frates Predicator.* (Heref.) pro 2. summagiis vocat. Semes, dā focali percipiend. quotidie de bosco de Heywood pro termino 20 annorum, 3 H. 5. par. 2. m. 18. Sec *Sumage* — *Habeunt etiam dum summas frumenti, pro pastellis, cum voluerint faciend.* Mon. Ang. par. 2. fol. 935. Et sint quieti de summagiis & murdro, & Tenniges, & Wapentake, & Auxillis Vice-omitum. Ibid. fol. 201. a. — De quatuor Summis salis, continentibus quadraginta bullones pro dimidia salina sua. Ibid. f. 256. b. See *Summa*.

**Semicinctum,** A narrow Girdle: *Vel nudus omnino vel in Semicinctis tabescens,* &c. Pet. Blefensis, Epist. 102.

**Seminarium,** A Seed-Leap. — *In corballis & seminariis emptis 10 den. ob. in tribulis & ligonibus emptis vii den.* Consuetud. Domus de Farendon. MS. fol. 13.

**Seminiverbius,** A Preacher or Sower of Words, Pet. Blefensis sermo 43 *Seminiverbius in Cathedra, Prælati in Curia, Advocatus in missa.*

**Senagium** (From *Senatus*, sometimes used for a Synod) is the same with Synodal, which see. Item quod persolvant Procuracionem & Senagium Domino Archidiacono debitum. Ordinatio Ric. Episc. Heref. Anno 1314.

**Senator.** In the Laws of Edward the Confessor we are told, That the Britons called those Senators whom the Saxons afterwards called Aldermen, and sometimes Senators; not for their Age, but for their Wisdom, for some of them were young Men, but very well skilled in the Laws. In Staundford's Pleas of the Crown, cap. 28. we read a Charter of Kenulph, King of the Merians, viz. *Consilio & consensu Episcoporum & Senatorum gentis sua largitus fuit dicto Monasterio,* &c. In those Days there were Two Men of Authority in every County, viz. The Alderman, whom the Normans afterwards called Earl, and the Shire-Reeve, whom they called *Vicecomes* or Sheriff.

**Sendal,** Anno 2 R. 2. cap. 1. Seems to be fine Linen or Silk, or Cyprus Silk, from the Italian *Zendalo*; but Sandal is a Kind of Physical Wood brought from the Indies.

**Senège.** There goes out yearly in Proxege and Senège 33 s. 6d. Perhaps Senège may be Money paid for Synodals, as Proxege for Proxies or Procurations.

**Seneucia, Widowhood.** If a Widow, having Dower after the Death of her Husband shall marry, *vel filium, vel filiam in Seneucia peperit,* she shall forfeit and lose her Dower in what Place soever in Kent. *Tenen. in Gavelkind.* Plac. Trin. 17 E. 3.

**Senescallo & Maresshallo quod non revent placita de libero tenemento, &c. Is a Writ directed to the Steward or Marshal of England, inhibiting them to take Cognisance of any Action in their Court that concerns either Freehold, Debt or Covenant. *Reg. Orig. f. 185. 191.***

**Seneshal, Seneschallus,** Is a French Word, but borrowed from Germany, being derived from *Sein*, a House or Place, and *Schale, servus*; we English it a Steward, and so doth Co. on Lit. f. 61. As the high Seneshal or Steward of England. *Staund. Pl. Cor. fol. 152.* High Seneshal or Steward, and South Seneshal or Under-Steward, *Kitchin, fol. 83.* is understood of the Stewards or Under-Stewards of Courts; *Seneshal de l'hôtel de Roy,* Steward of the King's Household. *Crompt. Juris. fol. 102.* See

25 Ed. 3. Stat. 5. cap. 21. *In Purificatione Beate Mariæ, fuit filius Regis Anglorum Parisiis & servavit Regi Francorum ad mensam ut Seneschallus Franciæ,* Rob. de Monte in Anno 1170. pag. 649. See *Kennet's Glossary.*

**Seney-Days, Play-days, or Times of Pleasure and Diversion.** — *Dies recreationis vocati Anglice Seney-days petuntur a Residentariis Ecclesiæ Ebor. verbis Gallicis* — *Moy honorables Seirs, Je an cet temps vous emprise donez mez gores de Seney coment eguunt glia este accustomé a faire a un Canon Residentiar.* — *Regist. Eccl. Ebor. Anno 1562.*

**Senglarium,** A Boar so called, *Quia solus & singularis duobus primis Annis vagatur:* Tis mentioned in the *Monastic.* 1 Tom. p. 841. *Et pasturam ad 20 Vaccas & ad unum senglarium,* &c.

**Senir, alias Sene, Sena,** Is a medicinal Herb, the Use and Virtues whereof you may read in Gerard's Herbal, lib. 3. cap. 8. This is mentioned among other Drugs and Spices to be garbled. Anno 1 Jac. c. 9.

**Senta,** — *Willielmus de Brasca dedit Regi octingentas marcas, tres dextrarios, quinque chaburos, viginti quatuor sensas, & decem Leporarios.* Cart. 7. Joh. I don't know whether any Writer has mentioned this Word but Mr. Blount, and he confesses his Ignorance of the Meaning of it. I take them to be the more slow and sure-scenting small Hounds or Beagles.

**Sentucum,** a Land full of Brambles.

**Separia, Separaria,** A several, or divided into Enclosure, severed or separated from other Ground. — *Placia que jacet juxta separiam Prioris & Conventus de Burnesfre.* Paroch. Antiq. p. 336.

**Separation, Separatio,** Is the living asunder of Man and Wife. See *Mulier.*

**Septrius,** for *Septrigerius.*

**Sepilver, Seepilver,** Among the Customs of the Manor of Cokefield, belonging to the Abbey of St. Edmund in Suffolk. — *Custumarius debet scindere & caviare quatuor caractatas focalis apud Sanctum Edmundum ad eandem firmam pro tribus operibus* — *& dabit Scepilver, videlicet, pro quinque capitibus unum denarium, & quietus erit de uno opere pro Sepilver.* Cartular S. Edmundi, MS. fol. 388.

**Septuagesima,** Mentioned *Westm. 1. c. 51.* Is always the Third Sunday before *Quadragesima* exclusive, from which, until the Octaves after Easter, the Solemnizing of Marriage is forbidden by the Canon Law. It is called *Septuagesima*, as being above Seventy Days before Easter, as *Sexagesima* and *Quinquagesima*, because the first is accounted Sixty, the latter Fifty Days before the same Feast, and are Days appointed by the Church to Acts of Penance and Mortification, and are preparative to the Devotion of Lent then approaching. The Laws of King Canutus ordained a Vacancy from Judicature, from *Septuagesima* to *Quindena Pasche.* See *Quinquagesima.*

**Septum,** An Inclosure, a Close, and is so called, because it is encompassed *cum sepe & fossa*, with a Hedge and a Ditch, or at least with a Hedge.

**Sepulchre, Sepulchrum,** Is the Place where any dead Body lies interred; but a Monument is a Place where something is set up for the Memorial of the Deceased, though the Corps lie not there.

See

**Sepultura** Is an Offering, made to the Priest for the Burial of a dead Body: 'Tis mentioned in *Domesday*, viz. *Easdem consuetudines debent illi, &c. prater exercitum & Sepulturam*. Gale's Hist. Brit. fol. 765.

**Sequatur sub suo periculo** Is a Writ that lies, where a Summons *ad Warrantifandum* is awarded, and the Sheriff returns, That he hath nothing whereby he may be summoned; then goes out an *Alias* and *Pluries*, and if he come not at the *Pluries*, then goes out this Writ. *Old Nat. Brev. f. 163. Co. on Lit. f. 101.*

**Sequela causæ**, The Process, and depending Issue of a Cause or Trial.

**Sequela Curiz**, Suit of Court, ——— *Et quod sint liberi a Sequela Curiz. Mon. Ang. 2. par. fol. 253.*

**Sequela molendini**, The owing Suit to a particular Mill, or being bound to grind Corn in that only Place; which was a Duty and Service laid upon many Tenents. *Concedere sequelam molendini*, was to grant all the Toll and Profit arising from such Customary Rights. *Sciatis — quod ego Stephanus de Ebroy (i. e. Devereux) dedi Ecclesie Sancti Lenardi de Pyonia — molendinum meum de Froma cum omnibus pertin. suis, s. ill. Molta, Sequela & Stagno — Reg. Priorat. de Wormley, f. 22. a.*

**Sequela Villanorum**, All the Retinue and Appertinences to the Goods and Chattels of servile Tenants, which were at the arbitrary and absolute Disposal of the Lord. — *William de Lonspe* confirmed to the Priory of Burcester their Lands in Wrethwick — *Cum Villanis & eorum sequelis & catallis. Villanos cum villanagiis omnibus catallis & tota sequela ipsorum — Paroch. Antiq. pag. 216, 288.*

**Sequentia**, A Jubilee, or Song of Rejoicing. *Fecit Sequentiam illam in Festo Pentecostes. Brompt.*

**Sequester** Is a Term used in the Civil Law for renouncing, as when a Widow comes into Court, and disclaims to have any Thing to do, or to intermeddle with her Husband's Estate who is deceased; she is said to *Sequester*.

**Sequestration** *Sequestratio*, Is the separating of a Thing in Controversy from the Possession of both those that contend for it: And it is of two Kinds, *Voluntary* or *Necessary*; *Voluntary* is that which is done by Consent of each Party: *Necessary* is that which the Judge doth of his Authority, whether the Parties will or not. It is used also for the Act of the Ordinary, disposing the Goods and Chattels of one deceased, whose Estate no Man will meddle with. *Dyer, fol. 232. num. 5. & f. 256. num. 8. & fol. 260. num. 42. & fol. 271. num. 26.* As also for the Gathering the Fruits of a Benefice void, to the Use of the next Incumbent. *28 H. 8. c. 11. Fortescue, c. 50.* and in divers other Cases. See *Kenet's Glossary in Sequestrare*.

**Sequestro habendo** Is a Writ Judicial, for the dissolving a *Sequestration* of the Fruits of a Benefice made by a Bishop at the King's Command, thereby to compel the Parson to appear at the Suit of another; for the Parson upon his Appearance may have this Writ for the Discharge of the *Sequestration*. *Reg. Fudic. fol. 36.*

**Sequi**, To prefer an Action, and prosecute a Suit or Cause, as Attorney or Proctor in a Court of Justice. *Qui sequitur pro Rege*, the King's Attorney.

**Sergeant**, or **Serjeant**, **Serviens**, Cometh of the French *Serjeant*; i. *satelles*, a Man of the

Guard, so called, because he was *sape armatus ad res necessarias in exercitu peragendas*, so *Calepine*. But *Skene de verbo. signif. verbor.* Serjeant, saith, It is, *vox composita de ferrer, quod est includere, & Gent, quod pro gente, plebe vel populo usurpatur*. This Word is diversly used in our Law, and applied to sundry Offices and Callings. First, a *Serjeant at Law* (or of the *Coyf*) is the highest Degree taken in that Profession, as that of a Doctor is in the Civil Law. And to these, as Men best learned, and most experienced of all others, one Court is set apart for them to plead in by themselves, which is the Court of *Common Pleas*, where the Common Law of England is most strictly observed; and though they have this Court to themselves, yet they are not restrained from pleading in any other Courts, where the Judges (who cannot have that Honour, till they have taken the Degree of *Serjeant at Law*,) call them *Brothers*, and hear them with great respect next to the King's Attorney and Solicitor General. These are made by the King's Mandate, or Writ, directed unto them, commanding them, upon a great Penalty to take upon them that Degree by a Day certain therein assigned. *Dyer, fol. 72. num. 1. See Count.* And of these is the King's *Serjeant*, being chosen commonly out of the rest, in respect of his great Learning, to plead for him in all Causes, especially in those of Treason. *Staundf. Pl. Cro. lib. 7. cap. 11.* And of these there may be more if it please the King. This, in other Kingdoms, is called *Advocatus Regius*, *Cassan. de consuet. Burgund, pag. 850.* With what Solemnity these *Serjeants* be created, read *Fortescue, cap. 50. Cro 3. par. f. 1. and 2 Inst. fol. 213.* These were called anciently *Servientes Narratores*. *Et predictus Thomas le Marefchall dicit quod ipse est communis Serviens Narrator coram Justic. & alibi ubi melius ad hoc conduci poterit, & quod ipse in Placito prefate Assise coram prefatis Justiciariis stetit cum predicto Johanne, & de concilio suo fuit, &c. Trin. 25 Ed. 1. Coram Rege, Oxon 22 — Md. quod Termino Trin. Anno 26 Hen. 8. Tho. Willoughby, & Johannes Baldwin. Serjeants de Roy, fueront fairs Chivaliers, & que nul tiels Serjeants devant fuer. unques fait Chivaliers.* Ex MS. *Vocat. Spelman's Reports.* In Edward the Sixth's Time, *Serjeant Benloes* wrote himself *Solus Serviens ad legem*. In seems for some Time there was none but himself.

Mr. *Selden* tells us they were formerly called *Doctores Legis*; though others are of Opinion that the Judges are more properly *Doctores Legis*, and the *Serjeants* are *Bachelors of Laws*. However, *Spelman* writes, That though a *Serjeant* may be richer than all the Doctors in the Commons, yet a Doctor is superior in Degree to a *Serjeant*: For the very Name of a Doctor is Ministerial, but that of a *Serjeant* is Ministerial, for he is *Serviens ad Legem*, and the Doctors are seated and covered when they plead, but the *Serjeant*, stand uncovered at the Bar, only they have a Coif on their Heads, which is *signum status & gradus*. This Word *Serjeant* is used in *Eritton* for an Officer belonging to the County, and the same which *Bracton* in his Fifth Book, c. 4. num. b. calls *Servientem Hundredi*, and is in Truth no other than the Bailiff of the Hundred; and the Steward of a Manor is called *Serviens Manerii*. *Coke, vol. 4. Copyhold Cases, fol. 21. a.* The next is a *Serjeant at Arms*, or the *Mace*, (*Serviens ad Arma*) whose Office is to attend the Person of the King. *Anno 7 Hen. 7. cap. 3.* to arrest Traitors or Persons of Condition, and to attend the Lord High Steward of

of England, sitting in Judgment upon any Traitor, and such like. (*Pl. Cor. lib. 3. cap. 1.*) Of these, by the Statute 13 R. 2. c. 6. there may not be above Thirty in the Realm. Two of them, by the King's Allowance, do attend on the Two Houses of Parliament, whose Office in the House of Commons is, the keeping of the Doors, and (as of late it hath been used) the Execution of such Commands, especially touching the Apprehension of any Offender, as that House shall enjoin him. *Crompt. Jur. fol. 9.* Another of them attends on the Lord Chancellor or Lord Keeper, in the Chancery: And one on the Lord Treasurer of England: One upon the Lord Mayor of London, upon extraordinary Solemnities; one attendeth upon the Lord President of Wales, and another upon the Lord President of the North, &c.

These *Serjeants at Arms* are in the old Books called *Virgatores*, because they carried Silver Rods gilt with Gold before the King. *In eadem Curia Regis sunt Virgatores populum gravantes, gravia feoda petentes. Fleta, lib. 2. cap. 38.*

Another Sort of *Serjeants* are chief Officers, who execute several Functions or Offices within the King's Household; of which you may read many in the Statute of 33 H. 8. c. 12.

There is likewise a more inferior Kind of *Serjeants of the Mace*, whereof there is a Troop in the City of London, and other corporate Towns, that attend the Mayor or other Head Officer, chiefly for Matters of Justice. *Kitchin, fol. 143.* And these are called *Servientes ad Clavem*. *New Book of Entries, verbo, Scire facias, in Mainpennors, cap. 3. fol. 538.*

There was also a Kind of Servants in religious Houses, called *Serjeants*—*Dedi praterea, & addidi ad eorum sustentationem & advenientium hospitium & pauperum & Serjantorum, quos constitui ad serviendum eis*—*Charta Gundulphi Ross. Episc. in Bibl. Cotton.* And in Cumberland the Governor of Gillsland, is called *Land Serjeant*. *Cam.* Anciently all the Justices in Eyre had certain Officers attending them, called *Serjeants*, (as appears by *Westm. 1. cap. 30.*) which *Fleta* calls *Virgatores Servientes*, and were in the Nature of our Tipstaffs.

*Serjeants of Peace*, — *Et etiam habere ibidem (i. Dunham) sex servientes qui vocantur Serjeants of Peace, qui servient Cur. Manerii & facient Attack. & executiones omnium Placitorum & querelarum in dicta Curia Placitorum, &c.* *Pl. de Quo Warranto apud Cestriam. 31 Ed. 3.* The like Officer they have in the City of Chester.

*Serjeanty, Serjeantia*, Signifies in Law a Service that cannot be due to any Lord from his Tenant, but to the King only; and this is either Grand or Petit: The first is, where one holds Land of the King by Service, which he ought to do in his own Person; as to bear the King's Banner, Spear, &c. *Petit Serjeanty* is, where a Man holds Land of the King, to yield yearly some small Thing towards his War; as a Sword, Dagger, Bow, &c. of which see *Bracton, lib. 2. cap. 16, & 37.* & *Britton, cap. c. num. 1, 2.* *Inter feodalia servitia summum est & illustrissimum, quod nec Patronum aliquem agnoscat præter Regem, lays the Learned Spelman.* And *Camden, Tit. Suffolk*, speaks of Baldwin le Pettour qui tenuit terras in Henningston in Com. Suffolk per serjantiam, pro qua debuit facere die natali Domini singulis annis coram Domino Rege Angliæ saltum, Sufflum & Petrum, alias unum saltum, unum sufflatum, & unum bom-

bulum. And Sir Richard Rockefly held Lands at Seton by *Serjeanty*, to be *Vantrarius Regis*, the King's Fore-Footman when he went into Gascoigne, *Donec perusus fuit pari solutarum precii 4 d.* until he had worn out a Pair of Shoes of Four Pence Price. This Service, being to be performed when the King went to Gascoigne to make War, is *Knight's Service*. *Co. on Lit. fo. 69.* See the Stat. 12 Car. 2. cap. 24. whereby all Tenures, &c. are turned into free and common Socage; but the Honorary Services of Grand *Serjeanty* are therein excepted. *Johannes Freeman tenet unam Virgatam terre, per Serjantiam mensurandi Fossata & opera Domini Regis, ad castrum Domini Regis. Lib. niger Herefordiæ.* Though Services or Tenures are now turned into Socage, yet it may be necessary to shew how they are described in our old Law Books, which see under the Word *Servitium*. See *Skene de verbor. signif.* and *Kennet's Glossary.*

*Sermonium*, An Interlude or Play acted by interlocutory Persons. Before the Modern Improvements of the Stage, these ruder Sort of Farces were even a Part of the unreform'd Religion. The Inferior Orders of the Clergy, assisted by Boys and Children, used to act over some historical Comedy in the Body of the Church, suitable to the Solemnity of some high Procession-Day. — *Anno Dom. 1483. 7 die Junii. Decanus Lincoln. cum Confratribus suis de processione Sanctæ Annæ in proximo Festo ejusdem futuro per civis Lincoln. fienda, communicantes una decreverunt quod illud ludum sive sermonium de assumptione sive coronatione beate Mariæ erga dictum Festum de novo reparatum & preparatum habere voluerunt, ac ludificatum & ostentum in processione prædicta prout consuetum fuerat in navi dictæ Ecclesiæ.* *Collegian. Rev. Viri Matth. Hutton, S. T. P. Ex Registris Ecclesiæ Lincoln. MSS.*

*Serpleg*, A Mantle or upper Coat: From the Latin *Superpellicium*, it signifies rich Mantles and Furs, and Robes worn by great Persons.

*Servage*, (*Anno 1 Rich. 2. cap. 6.*) that is, when each Tenant, besides Payment of a certain Rent, finds one or more Workmen for his Lord's Service. *Inq. 7 Ed. 1. Nott. Etiam est Religio illa ita posita in Servagio per Abbates Cistercienses, quod servitium Dei in hac parte impeditur.* *Pla. Parl. 33 E. 1.* See *Service*. King John brought the Crown of England in *Servage* to the See of Rome. 2 *Inst. 274.*

*Servi*, Bond-men, or servile Tenants. Our Northern *Servi* had always a much easier Condition than the Roman Slaves. — *Servis non in nostrum morem descriptis per familiam Ministeriis utuntur. Suam quisque sedem, suos penates regit. Frumenti modum Dominus, aut Pecoris, aut Vestis, colono injungit, & Servus hætenus paret. Tacitus de Moribus Germanorum.* Which plainly describes the Condition of our Saxon and Norman Servants, Natives, and Villains; whose Servitude did more respect their Tenure, than their Persons. No Author to my Knowledge has fixt the Distinction between *Servus* and *Villanus*, though undoubtedly their servile State was different, for they are all along in the *Domesday* Book distinguished from each other. So in *Burcester* there were — *quinque Servi, & viginti octo Villani, &c.* I suppose the *Servi* were those, whom our Lawyers have since called *Pure Villanes*, and *Villanes in gross*, who without any determin'd Tenure of Land, were at the arbitrary Pleasure of the Lord appointed to such servile Works, and received



ved their Wages or Maintenance at Discretion of the Lord. The other were of a superior Degree, and were called *Villani*, because they were *Villa & glebe adscripti*, i. e. held some Cottage and Lands, for which they were burdened with such stated servile Offices, and were convey'd as a Pertinence of the Manor or Estate to which they belonged. See *Kennet's Glossary*. The Name and Quality of their Bondage do often occur in *Domesday Register*: And their Condition, no doubt, was worse than that of the *Bordarii*, or *Cotseti*, who perform'd likewise some servile Offices for their Lord, and yet as to their Persons and Goods were not obnoxious to Servitude, as the proper *Servi* were. These were of Four Sorts, 1. Such as sold themselves for a Livelihood. 2. Debtors that were to be sold for being incapable to pay their Debts. 3. Captives in War, retain'd and employ'd as perfect Slaves. 4. *Nativi*, such as were born Servants, and by such Descent belonged to the sole Property of the Lord. — All these had their Persons, their Children, and their Goods, at the Disposal of their Lord, incapable of making any Wills, or giving away any Matter.

*Service, Servitium*, Is that Service which the Tenant, by reason of his Fee, oweth unto his Lord. *Hotoman* thus defines it, *Servitium est munus obsequii clientelaris*, De verbis Feudal. It is sometime called *Servage*, as 1 *R. cap. 6*. Our ancient Law Books make many Divisions of it, as *Bracton*, lib. 2. cap. 16. And *Britton*, cap. 66. into Personal and Real, also into Military and Base, and *Bracton*, ubi supra, num. 7. into intrinsic and extrinsic. *Servitium intrinsecum* is due to the Capital Lord of the Manor: *Forinsecum* is that which is due to the King, and not to the Capital Lord. *Service* is also divided into *Frank* and *Base*, the one termed *liberum servitium*, the other *Villenagium*. It is also divided into continual or annual, and casual or accidental; the former is the Seisin of Rent, the other Seisin of Relief. Co. 4. Rep. fol. 9. *Bevill's Case*. See *Copyhold*. See *Socage*. *Thomas Leigh Esq*; at the Coronation of King *Charles* the Second, brought up to the King's Table a Mess of Potage called *Dillogroust*, which *Service* had been adjudged him by the Court of *Claims* in Right of the Manor of *Addington* in *Surrey*; whereupon the Lord High Chamberlain presented him to the King, who accepted the *Service*, and afterwards Knighted him.

*Service secular*, Anno 1 Ed. 4. cap. 1. Is worldly *Service*, contrary to Spiritual and Ecclesiastical.

*Servientibus* Are certain Writs touching Servants and their Masters, violating the Statutes made against their Abuses, which see in *Reg. Orig.* f. 189, 190, 191.

*Servitium feudale & v. diale* Was not a personal Service, but only by reason of the Lands which were held in Fee. *Bracton*, lib. 2. cap. 16. par. 7.

*Servitium Forinsecum* Was a Service which did not belong to the Chief Lord, but to the King: It was called *Forinsecum* and *Foraneum*, because it was done *Foris*, vel extra *Servitium quod fit Domino Capitali*. We read several Grants in the *Monastic*. 2 *Tom. p. 48*. of all Liberties with the Appurtenances, *salvo forensi servitio*.

*Servitium generale*, the same with *Forinsecum*.

*Servitium intrinsecum* Is that Service which was due to the Chief Lord alone from his Vassals. *Bracton*, lib. 2. cap. 16. *Fleta*, lib. 3. c. 14. par. 7.

*Servitium liberum* Was a Service to be done by the feudatory Tenants, who were call'd *liberi homines*, and distinct from *Vassals*; as likewise was their *Service*, for they were not bound to any of those base *Services*, as to plough the Lord's Land, &c. but only to find a Man and Horse to go with the Lord into the Army, or to attend his Court, &c. Sometimes it was called *Servitium liberum armorum*, as in an old Rental of the Manor of *South Malling* in *Suffex*, mentioned by Mr. *Somner*, in his Treatise of *Gravelkind*, fol. 36. viz. *Godefridus Wallensis tenet 3 feodos militis in tenementis in Malling & quartam partem unius feodi apud Terri-ny per liberum servitium armorum suorum. Willielmus de Bransa tenuit apud Adburton unum feodum militis per simile servitium*.

*Servitium ferrandi*, The Service of shoeing Horses. See *Palfrey*.

*Servitium Regale*, Royal Service, or the Rights and Prerogatives that within such a Manor belong to the King, if Lord of it, which were generally reckoned to be these Six, 1. Power of Judicature in Matters of Property. 2. Power of Life and Death in Felonies and Murders. 3. A Right to Waifs and Strays. 4. Assessments. 5. Mintage of Money. 6. Assize of Bread, Beer, Weights and Measures. All these entire Privileges were annex'd to some Manors in their Grant from the King, and were sometimes convey'd in the Charters of Donation to religious Houses. — *Ecclesia Sancti Georgii data fuit Fratribus Osen. & habet ibidem visum Franciplegii & totum Regale servitium*. *Paroch. Antiquit.* p. 60.

*Servi Testamentales* Were those which we now call *Covenant Servants*: They are mention'd in the Laws of King *Athelstan*, c. 34. *Et secundum conditionem, & per mensuram suam convenit, ut Servi Testamentales operentur super omnem scribam cui praeest dominus*.

*Servitius Acquietandis* Is a Writ Judicial, that lies for one distrained for *Services* to A. who owes and performs to B. for the Acquittal of such *Services*. *Reg. of Writs Judic.* fol. 27. a. & 36. b.

*Servitorium*, A Chest: 'Tis called *Servitorium* in *Fleta*, lib. 2. cap. 73. par. 20. *Cistas vel arcas vel alia Servitoria licite habeat ad utensilia sua & recellas suas fideliter servandas*.

*Servitors of Bills* Are such Servants or Messengers of the *Marshal* belonging to the King's Bench, as were sent abroad with *Bills* or Writs to summon Men to that Court; they are now more ordinarily called *Tipstaves*. Anno 2 H. 4. c. 23.

*Sessier*, (Anno 25 Ed. 3. c. 6.) Seems to signify the assessing or rating of Wages.

*Session of Parliament*, The passing any Bills, by giving the *Royal Assent* thereto, doth not make a *Session*; but the *Session of Parliament* continues till it be prorogued or dissolved. See 4 par. *Inst.* fol. 27. *Sessio Parliamenti* is the Sitting of the *Parliament*.

*Sessions, Sessiones*, Is a Sitting of Justices in Court upon Commission, as the *Sessiers* of *Oyer and Terminer*. Pl. Cor. fol. 67. *Quarter-Sessions*, otherwise called the *General Sessions*, 5 Eliz. 4. or *Open Sessions*, *ibid.* Opposite whereto are *Especial*, other-

otherwise called *Privy Sessions*, which are procured upon some special Occasion, for the more speedy Dispatch of Justice. *Crompt. Just. of Peace*, f. 110. What Things be inquirable in *Sessions*, see *ibid.* f. 109. *Petit Sessions* or *Statute Sessions*, are kept by the High Constable of every Hundred for the placing of Servants. 5 *El.* 4. See *Statute Sessions*.

**Set Clothes** Are mentioned in the Statute made Anno 27 H. 8. c. 13. which see.

**Setetia** *Ætuarium*, The Mouth of the River Dee.

**Setwell**, *Valeriana*, Is a medicinal Herb; the Nature and divers Kinds whereof you have in *Gerard's Herbal*, lib. 2. cap. 424. The Root of this is mentioned among Drugs to be garbled. 1 *Fac.* 19.

**Sebantly** woben, That is, well and honestly Woven. Anno 35 *El.* c. 10.

**Several** Tail, *Tallium separatum*, Is that whereby Land is given and tailed severally to Two. For Example, Land is given to Two Men and their Wives, and to the Heirs of their Bodies begotten; the Donees have joint Estate for their Two Lives, and yet they have *several* Inheritance, because the Issue of the one shall have his Moiety, and the Issue of the other the other Moiety.

**Several Tenancy**, *Tenura separalis*, Is a Plea or Exception taken to a Writ that is laid against Two as joint, which are *several*. *Broke*, Tit. *Several Tenancy*, fol. 273.

**Severance** Is the singling or severing of Two, or more, that are joined in one Writ. For Example, if Two join in a Writ *de libertate probanda*, and the one afterward be Nonsuit, here *Severance* is permitted; so that notwithstanding the Non-suit of the one, the other may severally proceed, *F. N. B.* fol. 78. and *Bro.* Tit. *Severance and Summons*, fol. 238. There is also *Severance* of the Tenants in an Assize, when as One or Two, or more Disseisors, appear upon the Writ, and not the other. *New Book of Entries*, fol. 81. And *Severance* in Attaints. *Ibid.* fol. 95. And *Severance* in Debt, where two, or more, Executors are named Plaintiffs, and the one refuses to prosecute. *Ibid.* fol. 220. *Severance* of Corn is the cutting and carrying it off from the Ground, and sometimes the Setting out the Tithe from the rest of the Corn, is called *Severance*. See *Cro. Rep.* 2. par. fol. 225. There is also *Severance* in *Quare Impedit*. *Co. Rep.* 5. f. 97.

**Seward**, One who guards the Sea-Coasts: 'Tis a Saxon Word; for *Seweard* in *Sax.* signifies *Custos Maris*.

**Seirer**, *Severa* and *sewera*, *Et fossa in locis Palustribus ducta ad aquas ejiciendas*, &c. A Passage or Gutter to carry Water into the Sea, or a River. 6 *H.* 6. cap. 5. and 12 *Car.* 2. cap. 6. And *Commissioners of Sewers* are such as by Authority under the Great Seal, see *Drains* and *Ditches* well kept and maintained in marshy and fenny Countries, for the better Conveyance of the Water into the Sea, and preserving Grass upon the Land for the feeding of Cattel. See the Statutes 15 *Car.* 2. cap. 17. and 17 *Car.* 2. cap. 11. touching the Draining the great Level in the Fens called *Bedford Level*, and the Authority of the Governor, Bailiff, &c. as *Commissioners of Sewers*.

**Seragesima**. See *Septuagesima*.

**Sertary**, *Sextarius*, Was an ancient Measure, containing about our Pint and a Half (according to our Latin Dictionary.) The Town of *Leicester* paid among other Things to the King yearly, Twenty-five Measures called *Sextaries* of Honey, as we read in *Domesday*. And in *Clauſ.* 4 *E.* 3. m. 26. We find *Tresdecem sextarios vini*. — *Et unum sextarium salis apud Wainſlete*, Mon. Angl. 2. par. fol. 849. b. *Decem Mittas brasii, quatuor Sextarios Avene ad prabendam*. Idem. 1 par. fol. 136. b. where it seems to have been used for a much greater Quantity. A *Sextary* of Ale contained xvi *Lagenas*. See *Tolſteſter*.

**Sertery Lands** (mentioned in the first Part of the *Baronage of England*, f. 324.) are Lands given to a Church or religious House, for Maintenance of the Sexton or Sacristan.

**Seyſon**, Due Time or Season. — *Tenentes terram in campis S. Edmundi debent unam redam arura; debet arari medietas ad seyſonem yemam & alia medietas ad seyſonem æſivalem*. Cartular. S. Edmundi, MS. f. 321.

**Shacke** Is a Custom in *Norfolk* to have Common for Hogs from the End of Harvest till Seed-time, in all Mens Grounds without Contradiction. *Co. 7. Rep.* fol. 5. *Corbet's Case*: And in that Country, To go at *Shacke*, is as much as to go at large.

**Shamellæ**, *Scamella*, *Shambles*, or *Stalls* to sell Meat, &c. Prior de *Tynemuth* habet mercatum apud *Tinemute* & habet ibidem *tunberellum*, *Shamelas conductivas ad carnifices & alios, & capit ibidem emendas panis & cervisia*. Placit. Parl. 18 *Ed.* 1.

**Shanke**. See *Fur*.

**Shares**. See *Flotzon*.

**Sharpe** *ng* *Corn* Is a customary Gift of Corn, which, at every *Christmas*, the Farmers in some Parts of *England* give to their Smith, for *sharpning* their Plough-Irons, Harrow-tines, and such like, and exceeds not half a Bushel for a Plough-Land.

**Shatford**. — *Et si le tenant ne veigne, ou si il veigne & sache riens Dire, adonques Judgment sera que le dit recovers les tenements quitement a touze jours, selonque le Judgment appelle Shatford per Custome de la Citie*. MS. de *Customes de Court de Hustings* en *Londres*. Tit. *Gavel*.

**Shaw**, A Grove of Trees, or a Wood. 1 *Inst.* fol. 4. b.

**Shawaldres**: This is a Word unknown to Mr. *Somner*, who could not tell what it was, unless *Chevaliers*, which may agree with the Signification, but not with the Sound of the Word, for 'tis more like *Soldiers* than *Chevaliers*. 'Tis mentioned in *Knighton*, Anno 1318. *Cumque in partes Scotie venisset, inculcavit eos Dominus Gilbertus de Middleton miles cum alijs elegantibus Shawaldris & eos de omnibus suis spoliavit*.

**Sheppey**. See *Toliat*.

**Sheading**, A Riding, Tithing, or Division in the *Isle of Man*, where the whole Island is divided into Six *Sheadings*, in each of which there is a *Coroner* or chief Conſtable appointed by Delivery of a Rod at the *Tinewall* Court, or annual Convention. See Mr. *King's Description of the Isle of Man*, p. 17.

**Sherbet** Is a compound Drink, lately brought into *England* from *Turkey* and *Persia*; and is made of Juice of Lemons, Sugar, and other Ingredients. Another Sort of it is made of Violets, Honey, Juice of Raisins, &c. *Sherbet* in the *Persian* Tongue

Tongue signifies pleasant Liquor. 15 Car. 2. cap. 11.

**Sheriff**, So the Body of the Lordship of Cardiff in South-Wales is called, excluding the Members of it. Powel's Hist. of Wales, 123.

**Shermanns Craft** Is an Art used at Norwich; the Artificers whereof do Sheer as well Worsteads, Stamins, and Fufins, as all other woollen Cloth. It is mentioned Anno 19 H. 7. cap. 17.

**Sherringeld**. — The King granted to Richard Earl of Arundel, a certain Rent in Surrey and Suffex called Sherringeld, to the yearly Value of 14l. 19s. 1d. Rot. Parl. 50 Ed. 3. I believe miswritten for Shiriff-geld, a Rent formerly paid to or by the Sheriff; for it is there desired, that the Sheriff in his Account may be discharged thereof.

**Shewing** Is to be quit of Attachments in any Court, and before whomsoever in Plaints shewed, and not avowed. See *Scavage*.

**Shield**, from the Sax. *Scyldan*, to cover, or from the Greek *σκόλος*, a Skin, because anciently Shields were made with Skins.

**Shilling**, (Sax. *Scilling*) among our English Saxons, consisted but of Five Pence, *Si in capillis sit vulnus longitudinis unius Uncie V. denarii*, i. e. uno solido, componatur. LL. H. 1. cap. 39. But afterwards it consisted of Sixteen, and often of Twenty Pence. This was about the Time of the Norman Invasion; for in Domesday, we read, *That tale manerium reddit 10, 20 vel 30 libras denariorum, de 20 in ora*. But the Penny in those Days was equal in Weight to our Three Pence, so that a Shilling then was worth Fifteen now; *Illud enim scire licet aliam fuisse rationem solidorum etate Ælfredi quam nostra; nam per ea tempora 30 denarii faciebant sex solidos, nostra vero duos tantum*; but in the Reign of William the Conqueror, a Shilling was of the same Value as now.

**Shilwhite** Est emenda pro transgressione facta in Nationem, eam impregnando. MS. de Monast. Radingie penes Tho. Wollascot, Arm.

**Ship-Money** Was an ancient Imposition that had lain dormant many Years, and was charged upon the Ports, Towns, Cities, Boroughs and Counties of this Realm; which was revived by King Charles the First, in 1633, and 1636. and by Stat. 17 Car. 1. cap. 14. was declared to be contrary to the Laws and Statutes of this Realm, the Petition of Right, Liberty of the Subject, &c.

**Shipper** Is a Dutch Word, signifying the Master of a Ship. Anno 1 Jac. Sess. 1. cap. 33. We commonly say Skipper, and use it for any common Seaman.

**Shire** (Comitatus) From the Saxon *Scir*, or *Scyre*, i. e. to part or divide) is well known to be a Part or Portion of this Land, called also a County. King Alfred first divided this Land into Shires, and those again into Hundreds and Tithings; of which Shires there are in England Forty, and in Wales Twelve. *In privilegiorum Chartis ubi conceditur quietum esse a Shiris, intelligendum est de immunitate, qua quis eximitur a Secta vel clientela Curii Vicecomitum (quas etiam Shiras vocant) prestanda vel perficienda*. The Assises of the Shire, or the Assembly of the People of a County, was called *Scirgemot* by the Saxons. This Division made by King Alfred was in *Satrapias*, which we now call Shires; in *Centurias*, which we call Hundreds, and in *Decanias*, which we call Tithings: The old Latin Word was *Scyra*, *Qua Lege olim octo*

*Scire, id est, Provincia indicabantur*. Brompton, pag. 956.

**Shire-Clerk** Is he that keeps the County-Court; his Office is so incident to the Sheriff, that the King cannot grant it. *Mitton's Case*, 4 Rep.

**Shireebeweke** of Winchester and of Essex, (the Compass or Extent of a Sheriff's Authority) Anno 11 R. 2. cap. 10, & 11. Sherifwikes. Anno 13 E. c. 22.

**Shire-Man**, or *Scyre-Man*, Was anciently Judge of the County, by whom Trials for Land, &c. were determined before the Conquest. *Lamb. Peramb. p. 442*.

**Shire-mote**. See *Shire* and *Turn*.

**Shitif** or *Sheref*, (Vicecomes) quasi *Shire-reve*; Sax. *Scire-geretha*, i. e. *Pagi vel Comitatus Præpositus*, or rather from the Sax. *Scyrian*, i. e. to divide; this Officer being so called from the first Division of the Kingdom into several Parts, and he is now the chief Officer under the King in every Shire. *Camd. in his Britannia*, fol. 104. thus describes his Office.

*S*ingulis vero annis, Nobilis aliquis ex incolis præfici-tur, quem Vicecomitem, quasi Vicarium Comititis, & nostra lingua Shyref, i. e. Comitatus Præpositum, vocamus: Qui etiam Comitatus vel Provincia Quæstor recte dici potest. Ejus enim est publicas pecunias Provincia sue conquirere, multas irrogatas vel pignoribus ablatis colligere, & arario inferre, Judicibus præsto adesse & eorum mandata exequi, duodecim viros cogere, qui in causis de facto cognoscunt, & ad Judices referunt, (Judices enim apud nos Juris solum, non Facti sunt Judices) condemnatos ad supplicium ducere, & in minoribus litibus cognoscere, in majoribus autem jus dicunt Justiciarii, quos Itinerantes ad Assisas vocant, qui quotannis hos Comitatus bis adeunt, ut de Causis cognoscant, & carceratis Sententiam ferant. Henricus secundus hos Itinerantes instituit, vel potius restituit. Ille (ut inquit Matth. Paris.) consilio filii sui & Episcoporum constituit Justiciarios, per sex partes Regni, in qualibet parte tres, qui jurarent, quod cuilibet jus suum conservarent illæsum.

Of the Antiquity and Authority of this Officer. read *Coke's Rep. l. 4. Mitton's Case*, and *Spelman's Glossarium, verb. Vicecomes*. The Sheriff was anciently chosen in the County-Court, by the Suffrages of the People, as Knights of Parliament yet are, but is now nominated by the King. See *Forbesu*, cap. 24. fol. 53. *Vicecomes dicitur, quod Vicem Comititis supplet in placitis illis quibus Comes ex sua dignitatis ratione participat cum Rege*. *Niger lib. Scaccarii*. The Form of his Oath, see in the *Reg. of Writs*, f. 531. b.

**Shirifalty**, (Anno 14 Car. 2. cap. 21.) The Time of one's being Sheriff.

**Shiriff-tooth**, (contracted into *stath*) *Per Shirif-tooth, Johannes Stanley Ar. clamat habere, de quolibet tenente infra feodum de Aldford, unum denarium & quadrantem per annum, exceptis Dominicis terris propriis & terra in feodo & Manerio predicto Maner. & Hundred. de Macclesfield*. Rot. Plac. in Itin. apud Cestriam. 14 H. 7. *Per Sheriff-tooth*, seems a Tenure by the Service or Duty of providing Entertainment for the Sheriff at his County-turns or Courts. In *Derbyshire* the King's Bailiffs anciently took 6 d. of every Bovate of Land in Name of Sheriff-tooth. *Ryley's Placit. Parliam.* fol. 653.

**Shoccare, Schoccare, To shoek** Corn, or put it into **Shock**. *Inter antiquas consuetudines Abbatis de Sancto Edmundo — in villa de Herdeuwyck*

*Operarius metet unam acram frumenti & quantum metet tantum ligabit & shoecabit, sed non caviabit. Ex Cartular. S. Edmundi. MS. fol. 322.*

**Shoe.** See **Polein**.

**Shoy, Shopa, Omnibus, &c.** Johannes Horseret de Hereford Bochor salutem; *Noveritis me presatum Johannem dedisse, &c. Rogero Smith de Bromeyard, unam shopam cum pertin. suis in Bromeyard, predict. situat. in le Market-place, ibidem &c. Dat. 27 Feb. 9 E. 4. See Selda.*

**Shozling and Mzozling** Seem to be Words to distinguish Fells of Sheep; **Shozling** signifying the Fells after the Fleeces are shorn off, and **Mozling**, alias **Mortling**, the Fells head off after they be killed, or die alone. 3 E. 4. c. 1. 4 E. 4. c. 3. 12 E. 4. 5. and 14 E. 4. 3. Howbeit in some Parts of England they understand by a **Shozling**, a Sheep whose Fleece is shorn off; and by a **Mortling**, a Sheep that dies. See **Mozling**.

**Shortford, Anno 1335.** *Adjudicatum fuit Decano & Capituli beati Petri Exoniensis quoddam tenementum situm in vico australi civitatis Exoniensis secundum consuetudinem civitatis predictae, & dicitur Shortford — Izacke's Antiq. of Exeter, pag. 48.* The ancient Custom of this City is, when the Chief Lord in Fee cannot be answered of the Rent due to him out of his Tenement, and no Distress can be there levied for the same, the Lord must come to the Tenement, and there take a Stone, or some other dead Thing of the said Tenement, and bring it before the Mayor and Bailiffs; and thus must he do Seven Quarter-Days successively; and this is called a **Glebe**. And if on the said Seventh Quarter-Day the Lord be not satisfied of his Rent and Arrears, then the said Tenement shall be adjudged to the said Lord to hold the same a Year and a Day; and this is called **Gavelock**. And then forthwith Proclamation shall be openly made in the Court, That if any Man pretends any Title to the said Tenement, that he appear within the Year and Day then next following, and satisfy the Lord of the said Rent and Arrears; but if no Appearance be made, and the Rent not paid, then shall the Lord come again to the said Court, and pray, that according to the said Custom, the said Tenement be adjudged to him in his Demesne as of Fee, according to the Intention of the Law in such like Cases, which is commonly called *le cessavit per biennium*. And this Custom here is called **Shortford**, and in French, **Foreclose**; and so the Lord shall have from thenceforth the said Tenement, with the Appurtenances, in Fee to him and his Heirs for ever.

**Shot**, From the Saxon **Sceat**, signifying **Pecuniam aut Vestigal**. See **Lambard's Explication of Saxon Words**; verb. **Primitia**. It is still used among Alchouse-Keepers and Vintners; as to pay the **Shot**, is to pay the Money due for the Reckoning.

**Sib & Som**, i. e. **pax & concordia**. *Spelm. de Concil. 1. Tom. f. 519.*

**Sica**, a Ditch: From the Sax. **Sic**, **lacuna**. 'Tis mentioned in the *Monasticon*, 2 Tom. pag. 130, viz. *Ad locum ubi Cambec cadit in Irthin & sursum per Cambec usque ad Sicam qua descendit de nigra quercu.*

**Sich, Sichetum & Sikettus**, A little Current of Water, that uses to be dry in the Summer. *Inter duos sikettos, &c. Mon. Ang. 2. par. f. 426.* Also a Water-furrow or Gutter.

**Sicha**, the same with **Sica**.

**Sichetus**, the same with **Sica**.

**Siclus** Was a Sort of Money current among the old English, of the Value of Two-pence: We read it in *Egbert, in Dialogo de Ecclesiastica institutione*, pag. 98. viz. That if any of the Brotherhood did, contrary to the Canons, receive a Monk who left the Cloister, *sine literis pacificis, &c.* he was to pay Thirty **Siclos**, Fifteen to the Bishop, and the other Fifteen to the Abbot, whose Monk he so received without the Leave of the Prior.

**Sicut alias** Is a second Writ sent out, where the first was not executed. *Co. lib. 4. fol. 85.* It takes Name from those Words in it. As for Example, *Carolus Secundus Dei Gratia, &c. Vicecom. Midd. salutem. Praecipimus tibi (sicut alias praecipimus) quod non omittas, &c.* and so as in the *Capias*. **Lambard** in his *Traict of Processes*, in the End of his *Eirenarcha*.

**Sidemen**, alias **Questmen**, Be those that are yearly chosen, according to the Custom of every Parish, to assist the Churchwardens in the Inquiry and Presenting such Offenders to the Ordinary, as are punishable in the Court Christian. See *Synodales testes*.

**Sidling**, **Sidelings**. Meers or Balles betwixt or on the Sides of arable Ridges or Lands. — *Cum libertate falde & pasture & suarii in Sythlingis, (Sidlingis) & omnibus locis. Mon. Angl. Vol. 2. f. 275.*

**Sigillum**, — *Notum sit omnibus Christianis, quod ego Johannes de Gresley non habui potestatem Sigilli mei per unum annum integrum ultimo preteritum, jam notifico, in bona memoria & sana mente, quod scripta Sigillata Sigillo meo contradico & denego in omnibus a tempore predicto usque in diem restorationis Sigilli predicti. In cujus rei testimonium Sigillum Decanatus de Repingdon apposui. Testibus Domino Thoma Stafford milite. Johanne Arden, &c. Dat. apud Drakelew, 18 Rich. 2. See Seal and Tabellion.*

Before the Time of **William the Conqueror**, the English did not seal with Wax, but they usually made a golden Cross on the Parchment, and sometimes an Impression on a Piece of Lead, which hanged to the Grant with a string of Silk; and this was held a sufficient Confirmation of the Grant it self, without Signing, or any Witnesses. *Ingulphus*, pag. 901. tells us, That *Chirographorum confectio Angliam, que antea usque ad Edwardi Regis tempora fidelium presentium subscriptionibus cum crucibus aureis aliisque sacris signaculis firma fuerunt; Normanni condemnantes Chirographa chartas vocabant & chartarum firmitates cum cerea impressione per uniuscujusque speciale sigillum sub instillatione trium aut quatuor testium astantium conficere constituebant.*

The Colour of the Wax with which the King's Grants were sealed, was usually green, to signify *Rem in perpetuo vigore permanfuram*, and the Impression in Lay-Men's Seals was, a Man on Horseback with a Sword in his Hand, till the Year 1218. and then they began to engrave their Coats of Arms on their Seals; only the Archbishops and Bishops by a Decree of Cardinal **Otto**, who was Legate here in the Year 1237. were to have **Sigillum**, *puta nomen dignitatis, officii, seu collegii, & etiam illorum proprium nomen, qui dignitatis*

et



vel officii perpetui gaudent honore, insculptum notis & characteribus manifestis; sicque sigillum authenticum habeatur.

**Sigla**, a Sail: From the Sax. *Segel*, velum. In the Laws of King *Ethelred*, made at *Wantage*, cap. 24. *Ad Billingsgate si venit una navicula, unus obolus thelonii dabitur, si major & habet siglas, i denarius, &c.*

**Signet** Is one of the King's Seals, wherewith his private Letters are sealed, and is always in the Custody of the King's Secretaries: And there are Four Clerks of the *Signet-Office* always attending. 2 *Inst.* f. 556.

**Significabit** Is a Writ de *Excommunicato capiendo*, which issueth out of the Chancery upon a Certificate given by the Ordinary, of a Man that stands obstinately excommunicate, by the Space of Forty Days, for the laying him up in Prison without Bail or Mainprize, until he submit himself to the Authority of the Church. And it is so called, because the Word *Significavit* is an emphatical Word in the Writ. There is also another Writ in the *Register*, f. 7. directed to the Justices of the Bench, commanding them to stay any Suit depending between such and such, by reason of any Excommunication alledged against the Plaintiff, because the Sentence of the Ordinary that did excommunicate him, is appealed from; and the Appeal yet depends undecided. See *F. N. B. De excommunicato capiendo*, fol. 62, 66. where you may find Writs of this Name in other Cases.

**Signum**, A Cross prefixt to the Name of a subscribing Witness, as a sign of Assent and Approbation to a Charter, or other Deed, commonly used among the Saxons, and some of our first Normans, before the common Use of either affixed or appending Seals; when Subscriptions were in this Form — *Signum Roberti Episcopi Linc.* — *Signum Nigelli de Oily, &c.*

**Sikettus**, the same with *Sica*.

**Silchester**. See *Vindonum*.

**Silentarius** Is one of the Privy Council, for *silentium* formerly signified *Conventus privatus*. *Radulfus de Diceto*, and *Matt. Paris.* anno 1172. are taken in this Sense, *Feria ante pascha in qua solet papa publice absolvere vel excommunicare, quibusdam Domini papa silentariis ad aures nunciorum Regis preferentibus, devenit, quod papa eodem die de re verat in Regem Anglia nomina, &c. interdicti ferre sententiam.*

**Silina** Is a Pound-weight; 'tis mistaken in *Brompton* for *Salma*, who mentions a silken Tent so large that 200 Soldiers might dine in it: *Et 60 millia Silinas de frumento & totidem de bordeo*. *Hovedon* mentions *Solinas de frumento*, which must be *Salmas*.

**Silkhower** and **Thpoxter**. Anno 14 Car. 2. c. 15. Is a Trade or Mystery that winds, twists and spins, or throws Silk, so fitting it for Use, who are incorporated by the said Act; wherein there is Mention also of *Silkwinders* and *Doublers*, which are Members of the same Trade. See 20 Car. 2. cap. 6.

**Silva cedua**. See *Sylva cadua*.

**Silures**, *South-Wales*, or the Inhabitants of *Brecknock*, *Radnor*, *Monmouth* and *Glamorgan-shires*.

**Simnell**, *Siminellus*, From the Latin *simila*, which signifies the finest Part of the Flower; *Panis similageneus*, *Simnel Bread*. It is mentioned *Affisa panis*, (and is still in Use, especially in

*Lent*.) Bread made into a *Simnel* shall weigh Two Shillings less than *Wastell-bread*. Stat. 51 H. 3. See *Cocket*. It was sometimes called *Simnellus*, as in the Annals of the Church of *Winchester*, under the Year 1042. *Rex Edwardus instituit & carta confirmavit, ut quoties ipse vel aliquis Successorum suorum Regum Angliæ diadema portaret Wintoniæ vel Wigornia vel Westmonasterii, Præcentor loci recipiet de fisco ipsa die dimidiam marcam, & Conventus centum Simnellos & unum modium vini*. But indeed the true Reading is *Siminellos*. The English *Simnel* was the purest white Bread, as in the Book of *Battel Abbey*. *Panem regia mensa aptum, qui Simenel vulgo vocatur*.

**Simony**, *Simonia*, *Venditio rei sacre*, so called from *Simon Magus*: It was agreed by all the Justices, *Trin.* 8 *Fac*. That if the Patron present any Person to a Benefice with Cure, for Money; that such Presentation, &c. is void, though the Presentee were not privy to it; and the Statute gives the Presentation to the King. Co. 12 Rep. fol. 74. *Simony* may be by Compact between Strangers, without the Privy of the Incumbent or Patron. Cro. 1 par. fol. 331. *Bawderoke's Case*. Hob. Rep. fol. 165. *Noy's Rep.* f. 22. *Pascall's Case*. and 3 *Inst.* fol. 153. Some Authors mention *Simoniacum per munus triplex*, and tell us of a Person who took off the Cap of *Grosulan*, an Archbishop of *Milan*, and shaking it, told the People. *Iste Grosulanus qui est sub ista cappa (& non de alio dico) est Simoniacus, &c. per munus a manu, i. e. by Bribery, per munus a lingua, i. e. by Favour and Flattery, per munus ab obsequio, i. e. by a fordid subjecting himself to the Patron*.

**Simplex**. — *Charta simplex*, A Deed Poll, or single Deed — *Richardus Mayben de Sutton per Chartam simplicem huc indentura indentatam, dedit, &c.* Dat. 22 Edw. 3. *Iusticiarius simplex*, was antiently used for any Judge that was not Chief in either Court. There is a Writ registred, beginning thus, *I John Wood, a simple Judge of the Court of Common Pleas, &c.*

**Simplex Beneficium**, A minor Dignity in a Cathedral or Collegiate Church, a *Sine-Cure*, a Pension out of a Parochial Church, or any other Ecclesiastical Benefice opposed to a Cure of Souls, and which therefore was consistent with any Parochial Cure, without coming under the Name or Censure of Pluralities.

**Simplex Iusticiarius**, This Stile was antiently used for any puisne Judge, that was not Chief in any Court. There is a Writ registred beginning thus — *I John Wood, a simple Judge of the Common Pleas, &c.*

**Simula**, A Manchet, a white Loaf. — Among the Customs of the Abbey of *Glastonbury*. — *In diebus solennibus cum Fratres fuerunt in cappis, medonem habuerunt in iustis, & simulas super mensam, & vinum ad caritatem, & tria generalia*. — Cartular. Abbat. *Glaston.* MS. f. 10.

**Sine assensu capitali** Is a Writ that lies where a Dean, Bishop, Prebendary, Abbot, Prior, or Master of an Hospital, aliens the Land holden in the Right of his House, without the Consent of the Chapter, Convent and Fraternity; In which Case his Successor shall have this Writ. *F. N. B.* fol. 195.

**Sine die**, Without Day: When Judgment is given against the Plaintiff, he is said to be in *miseriordia pro falso clamore suo*: But when for the Defendant, then it is said, *Eat inde sine die*.

**Sinistravit**, To walk on the Left Hand: *Dextravit Archiepiscopus Londinensis Episcopus, Sinistravit Wintoniensis, & sic in sede sua solemniter collocatus est.* Rad. de Diceto. Anno 1193.

**Si non omnes** Is a Writ of Association, whereby, if all in Commission cannot meet at the Day assigned, it is allowed, that Two or more of them, may finish the Business. See *Association*, and *F. N. B.* fol. 185. & 111. and *Reg. Orig.* fol. 202, 206, &c.

**Sinofitas**, For Famofitas in Brompton.

**Sireffoena** Is what we now call a Hundred. *Leg. H. 1. cap. 6. Comitatus in Anglia in Centurias & Sipeffoena distinguuntur.*

**Si Recognoscant** Is a Writ that lies for a Creditor against his Debtor, for Money numbred, that hath, before the Sheriff in the County-Court, acknowledged himself to owe his Creditor such a Sum received of him in *pecuniis numeratis*. The Form of which Writ is this—*Rex Vicecomiti salutem Prac. tibi quod si A. recognoscat se debere R. 40. solid. sine ulteriori dilatione, tunc ipsum distringas ad pradiatum debitum eidem R. sine dilatione reddendum. Teste, &c.* Old Nat. Brev. fol. 68.

**Site** or **Scite**, **Situs**, The Standing of any Place, the Situation of a Capital House or Mesuage, a Territory, or Part of a Country, as the *Site* of the late dissolved Monastery of, &c. i. the Place where it stood: The Word is mentioned in the Statute 32 H. 8. cap. 20. and 22 Car. 2. cap. 11. and is there written *Scite*,—*Deditum loci in quo domus sua sita est.* Mon. Ang. 2 par. fol. 278.

**Sithcundman**. Such a Gentleman as had the Office to lead the Men of a Town or Parish. *E classe nobilium erat*, says *Sommer. Vir militaris. Spelm.* In Sax. *Sithcundman* signifies *praepositus paganus*, or a Man who had so much Land that he might be capable of Knights Service. *Si homo Sithcundus terrarius supersedeat expeditionem, emendet 120 sol. & perdat terram suam.* *Leg. Inæ*, cap. 56. Even the learned *Spelman* mistakes the Derivation and proper Meaning of this Word, which is truly from Sax. *sitbe, gestbe*, a Division of a Shire or County, a Riding, Lath, Rape, or Hundred. For *Dugdale* in his *Antiquities of Warwickshire*, does observe that the Hundreds of *Knightlow*, *Kineton*, and *Hemlingford*, in 16 Hen. 2. were called *Sithesoca* de *Enuchelawa*, *Sithesoca* de *Chinton*, *Sithesoca* de *Humilford*. So as *Sitho undman*, *Sithcundman*, *Gestbeundman*, was only the Chief Officer within such a Division, the High Constable of the Hundred.

**Sithelora**, (Sax.) The Franchise or Liberty of a certain Company of Men; a Hundred. *Rot. P.* 16 Hen. 2. sometimes written *Sipesora*. *Curia libera legalium hominum.*

**Sitomagus**, *Thetford* in *Norfolk*.

**Sirhindi** Were Servants of the same Nature with *Rod-Knights*, viz. bound to attend their Lord where-ever he went, yet he was accounted among the English Saxons, as *liber homo*, because he had Lands in Fee, subject only to such Tenure. *Si habeat 5. hidas est Sirhinde.* *Leg. Inæ*, cap. 26. And in the Laws of H. 1. cap. 76. *Servi alii casu, alii genitura: Liberi alii Thyghindi, alii Sixhindi, alii Thyghindi.* See *Hinden*.

**Sizel**, In the Fabrication of our milled Money, the Gold or Silver is cast out of the melting Pot into long flat Bars, which Bars are drawn thro' a Mill, (wrought by a Horse) to produce the just

Thickness of Guineas, Crowns, &c. Then with forcible Engines, called *Cutters*, which answer exactly to the respective Sizes or Dimensions of the Money to be made, the round Pieces are cut out from the flat Bar shaped as aforesaid; after which, the Residue is called *Sizel*, and is melted down again. *Vide Lowndes's Essay upon Coin*, pag. 96.

**Skarcalla** or **Skarkella**.—It was especially given in Charge by the Justices in Eyre, that all Juries should enquire de *hiis qui piscantur cum Kiddellis & Skarkallis*. *Coke's 2 Part*, *Inst.* fol. 38. But he does not declare the Meaning of it.

**Skatu** Is a Word mentioned in the Statute made 4 E. 4. cap. 1.

**Skeletta**, A little Bell.——*Imponentes novam navim testo Ecclesie pro vetusta qua combusta fuerat, & pro veteri turri Ecclesie humile campanile, & duas Skelettas, quas Fergus Ararius de Sancto Botolfo nobis nuper contulerat, imponentes.* *Hist. Ingulfi*, pag. 101. Hence our *Skillets*, commonly made of Bell-metal. Old Teuton. *Schel*, Latin *Skella*, a Bell.

**Skella**. See *Schilla*.

**Skerda** Is that which we now call a Scar or Wound: *Si ossa extrahuntur a Capite & Skerda magna levetur, &c.* *Braet. lib. 3. cap. 24.*

**Skyvinage** (Anno 27 H. 6. cap. 2.) Signifies the Precincts of Calais.

**Slade**, Sax. *Slad*. A long flat Piece or Slip of Ground.—*Pratum vocatum le Slade*, from the long and narrow Form of it. *Parab. Antiq.* pag. 465. *Slade-furlong*, ib. 537. See *Kermer's Glossary* in the Word *Slade*.

**Slippa**, A Stirrup, *Stapes. Manerium de Hotuncom.* *Camb. tenetur per servitium tenendi slippam sella Domini Regis dum equum suum in castro suo Carleoli scanderit.*—*Cart. 5 H. 7.*

**Slough-silber**, (*Pat. 43 Eliz. pag. 11.*) A certain Rent paid to the Castle of Wignore, and is in Lieu of certain Days Work in Harvest, heretofore reserved to the Lord from his Tenants.

**Slusagium**. See *Exclusagium*.

**Slust**, *Exclusa*, Is a Frame to keep or let Water out of a Ground.

**Smaka**, A small light Vessel, a Smack.—*Naves quas bargas vocant, & galea propter victualia transmissa vi turbinum resoluta perierunt—omnes etiam smakæ Regis & aliorum confractæ sunt, ex quarum materiis fecit Rex suas longas naves conficere.*—*Gaufredi Vineauf. Rich. Regis Iter. Hieros. lib. 5. cap. 4.* where by a gross Error, *Snake* is put for *Smake*.

**Smalt** Is that of which Painters make blue Colour. *Anno 21 Jac. cap. 3.* and *Pat. 16 Feb. 16 Jac.* in Italian *Smalto*.

**Smoak farthings**, The Pentecostals or customary Oblations offered by the dispersed Inhabitants within a Diocese, when they made their Processions to the Mother Cathedral Church, came by Degrees into a standing annual Rent, called *Smoak-farthings*. For in the Year 1444. *William Alnewyke*, Bishop of Lincoln, issued out his Commission,—*Ad levandum le Smoak-farthings alias dict. Lincoln-farthings a nostris Archidiaconatus nostri Leycestrie subditis ad utilitatem nostre Matricis Ecclesie Cath. Lincoln. sponsa nostra convertend.*—*dictæ Smoak-farthings conceduntur ad constructionem Campanilis Ecclesie prabendales S. Margareta Lei. efr.* *Reg. Will. Alnewyk Episc. Linc.*

Linc. MS. And about the Year 1470. John Bishop of Lincoln sent his Injunctions to John Gilbert, Doctor of Decrees, his Commissary-General within the Archdeaconry of Oxford, and George Ward L. L. B. to move the Curates or Parochial Clergy, to advise their People of their antient and laudable Custom of Processions, and Oblations to the Mother Cathedral Church at *Whit-fontide*.—*Nec non ad exigendum, petendum, levandum & colligendum & recipiendum omnes & singulas oblationes hujusmodi, quadringentes Pentecostales alias Smock-farthings vulgariter nuncupatas.*

**Snook-silver**, *Tenementum Newcastle cum pertin.* &c. in villa de Staplehurst in Com. Cant. tenetur de Manerio de Eastgreenwich per fidelitatem tantum in libero socagio. Per. Pat. Dat. 3 Feb. 4 Edw. 6. And by the Payment of Snook-silver to the Sheriff yearly the Sum of Six Pence. Notes for Lord Wootton's Office, 1628. There is Snook-silver and Snook-penny paid to the Ministers of divers Parishes, and to be paid in Lieu of Tithe-wood; or it may, as in many Places at this Day, be a continued Payment of the *Romefot* or *Peter-pence*. See *Clumney-money*.

**Snood**, A smooth Roll or Bottom of Silk or Thread, from the Saxon *Snod*, a Filler or Hair-lace with which Women smooth up their Hair, which in the North Part of England is now called a *Snude*, and in Scotland a *Snod*.—*Et in octo Snoden de Packtread empti ibidem pro quodam reti faciundo pro cuniculis capiendis*—Paroch. Antiq. pag. 574.

**Snotterling silver**. There was a Custom in the Village of *Wylegh*, that all the servile Tenants should pay for their Tenement a Duty called *Snotterling-silver*, i. e. for each Tenement 1 den. ob. to the Abbot of *Colchester*. Placit. 18 Edw. 1.

**Soc**, *Soca*, According to *Minshew*, is a Word signifying a Power or Liberty of Jurisdiction; whence our Law-Latin Word *Soca*, for a Seigniorie enfranchised by the King, with Liberty of holding a Court of his *Sockmen*, or *Socagers*, i. his Tenants, whose Tenure is hence called *Socage*. *Skene de verbor. Interp.* says, *Soc* is called *Secta* de hominibus suis, in curia secundum consuetudinem Regni. See more there: And *Bracton*, lib. 3. tract. 2. cap. 8. mentions divers Liberties, as *Soc* and *Sa*; *Toll* and *Tean*, *Infangthesf* & *Ufingthesf*, & isti qui habent talem libertatem, possunt judicare in curia sua eum qui in eam fuerit infra libertatem suam, seistus de aliquo latrocinio manifeste. The same Interpretation *Lambard* gives it in his Translation of the Sax. Laws: For among the rest in those of King *Ina*, (Leg. 24.) be *Cyric socnum*, rendered, *De immunitate fani*: And in the Laws of Henry the First it is said, *Nullus socnam habet impune peccandi*, that is, none hath Liberty of sinning without Punishment.—And in the same Sense it is used in *Domesday*, for in *Essex*, under the Title of *Terra Rogeri Bigoti*, it is thus recorded, *Westunam tenet Hugo de Hostens quod tenuerunt iv. liberi homines T. R. E. qui fuerant de Socco Algari*, &c. See *Soc*, *Soke*.

**Socage** or **Socage**, *Socagium*, May be derived from the French *Soc*, that is, *Vomer*, a Coulter or Plowshare, and is a Tenure of Lands by, or for certain inferior Services of Husbandry to be performed to the Lord of the Fee. See *Institutes of the Common Law*, 31. *Bracton*, lib. 2. cap. 35. num. 1. describes it thus, *Dici poterit socagium a socco, & inde tenentes qui tenent in soccagio socmanni dici poterunt, eo quod deputati sunt, ut videtur*,

*tantummodo ad culturam, & quorum custodia & magistratia ad propinquiores parentes jure sanguinis pertinebit. Et si aliquando inde facta capiatur homagium, quod plures contingit, non tamen habebis propter hoc Dominus capitalis custodiam & maritag. Quia non semper sequitur homagium, licet aliquando sequatur.* *Skene de verbor. signif.* says, *Socage*, is a Tenure of Lands, when a Man is infeoffed freely, without any Service, Ward, Relief or Marriage, and pays to his Lord such Duty as is called *Petit Serjeanty*, &c. There is free socage, and base socage, otherwise called *Villonage*.—And according to *Bracton*, *Socagium liberum est, ubi fit servitium in denariis Dominis capitalibus, & nihil inde omnino datur ad fenum & servitium Regis.* This free socage is also called common socage. Anno 37 H. 8. cap. 26. Other Divisions there are in our Books, viz. *Bracton*, lib. 2. cap. 8. num. 3. *Old Nat. Brev. fol. 94.* and others. But by the Statute 12 Car. 2. cap. 24. all Tenures shall be adjudged and taken to be turned into free and common socage. See *Kennet's Glossary* in *Socage*. This was a Tenure of so large an Extent, that *Littleton* tells us, all the Lands in England, which were not held in Knight's Service, were held in Socage. So that it seems the Land was divided between these two Tenures, and as they were of different Natures, so the Descent of these Lands was in a different Manner; for the Lands held in Knight's Service descended to the eldest Son; but those held in *Villano Socagio*, equally among all the Sons; yet if there was but one Messuage, the eldest Son was to have it, so as the rest had the Value of that Messuage to be divided between them. *Bracton*, lib. 2. cap. 35, 36.

**Socmanns**, alias **Sokemans**, *Socmanni*, Are such Tenants as hold their Lands and Tenements by Socage Tenure, of which there are several Kinds, viz. *Sokemans* of Frank-tenure. *Kitchin*, fol. 81. *Sokemans* of Base-tenure. *Ibid.* and *Sokemans* of antient Domesne, which last seem most properly to be called *Sockmanns*. F. N. B. fol. 14. *Britton*, cap. 66. num. 2. *Progenitores Simonis Beckley omnia sua in Houcton per liberum Sokagium tunc tenebant, & quieti erant de Sectis Curiarum, Consuetudinibus, exactionibus & demandis.* Lib.—S. *Albani Tit. Houcton*, cap. 1. *Liberi Sokemanni possunt dare aut vendere, sed ad voluntatem Domini; antenatus succedit in totum: averium masculum non vendere; filium non maritare, nisi dant Domino 3 s. 4 d. filium omnino facere Clericum.* Ex libro irrotulament. Ecclesie Christi Cantuar. fol. 111. The Word *Sokeman* is found in the Statute of Wards and Relief. 28 Edw. 1. See *Bracton*, lib. 2. cap. 35. n. 1. *Dugdale's Warwickshire*, fol. 170.

**Socmen**, The *Coerls* or Husbandmen among our Saxon Ancestors were of Two Sorts; one that hired the Lord's Outland or tenementary Land like our Farmers; the other that tilled and manured his Inland or Demeans (yielding *operam* not *ensam*, Work, not Rent) and were thereupon called his *socmen*, or Plough-men. *Spelman* of Feuds, cap. 7. But after the Conquest, the proper *Sockmanni*, or *Sokemanni*, often mentioned in *Domesday*, were those Tenants who held by no servile Tenure, but commonly paid their Rent as a *Soke* or Sign of Freedom to the Lord, tho' they were sometimes obliged to customary Duties for the Service and Honour of their Lord.

**Socna**, In Saxon *Socne*, a Privilege, or Liberty, and Franchise, — *Volo ut ipsi sint eorum facie*

*facæ & focnæ*; Theolonii etiam & Teami (privilegiolorum, scilicet, & jurium sic appellatorum) digni infra tempus & extra tempus, &c. Charta Canuti Regis in Hist. Eccles. Cath. S. Pauli, fol. 189. See Soc.

**Socome** Signifies a Custom of grinding at the Lord's Mill; And there is *Bond-Socome*, where the Tenants are bound to it, and *Love-Socome*, where they do it freely out of Love to their Lord.

**Soinus**, for *Effoins*.

**Soka**, *Soc*, *Sek*, *Soke*. The Words generally signify Liberty or Privilege of Tenants excused from customary Burdens and Impositions. Sometimes *Soka* or *Soke*, was the Territory or Precinct in which the Chief Lord did exercise his *Sac*, *Sake*, or *Saka*; his Liberty of keeping Court, or holding Trials within his own *Soke* or Jurisdiction. Sometimes it signified a Payment or Rent to the Lord for using his Land with such Liberty and Privilege, as made the Tenant a *Socman* or Freeholder; upon no other Conditions than a Quit-rent. As often in *Domesday*—— 1. *Socman reddens Socham in manerio*—— i. e. One *Socman* or Free Tenant paying only Money or Rent.

**Soke**, Anno 32 H. 8. cap. 15. & cap. 28. Significat libertatem Curie tenentium quam socam appellamus. *Fleta*, lib. 1. cap. 47. sect. *Soke*. *Soke hoc est, quod Prior habet sectam de Homagiis suis ad Curiam suam, secundum communem consuetudinem regni Anglie. Per Soke Will. Stanley in manerio suo de Knottisford clamat cognitionem placitorum debiti, transgressionis, conventionis & detentionis infra summam 40 sol. de alijs compasibus quibuscunque sine brevi. Pl. Itin. apud Cestr. 14 H. 7. Soke, id est, aver fraunch Court de ses homes MS. See Soc.*

**Sokemanrie**, *Sokemanria*, Free Tenure by Socage.—— *Dicunt quod tenuerunt predicta de predicto Rege per Sokemanriam sine carta sive aliquo servitio eidem Domino Regi in guerra sua inde faciendo.*—— *Consuetud. domus de Farendon, MS. fol. 46.*

**Soken**, *Soca*. See *Soc* and *Hamsoken*.

**Soke-reeve** Seems to be the Lord's Rent-gatherer in the *Soke* or *Soken*. *Fleta*, lib. cap. 55.

**Solace**, (Anno 43 Eliz. cap. 10.) *Put a mangonium aliquod ex colore aliquo adulterino pannis addito, ut plaris veneant.* Dr. Skinner.

**Solarium**, An upper Room, Chamber, or Garret, which in some Parts of England is called a *Sollar*. *Istud cellarium & istud Solarium sita sunt intra domum meam. Paroch. Antiq. pag. 325. Pro duobus cellariis & duobus solariis eisdem ad terminum vite traditis & concessis, ibid. pag. 448. Unum Solarium vocat. a Loft. Chart. Antiq. sine dat.*

**Solda**. *Pateat—— quod nos Johannes Romaine senior de Leominstr. & Johannes Romaine junior de eadem remisimus—— Johanni Meole vicario Ecclesie de Wygemore, Ricardo Boterel Constabular. Castri de Wygemore, & Fouke Sprengelose totum jus nostrum & tiamum—— in una Solda cum pertinentiis in Leominstr. situata in alto vico inter Soldam quandam Ricardi Spicer & Soldam qua fuit Philippi Cullinge, &c. Dat. 2 Octobris, 19 Rich. 2. It seems to be the same with Selda, a Shop or Shed.*

**Solet & debet**. See *Debet & Solet*.

**Sole-tenant**, *Solus tenens*, Is he or she that holds only in his or her own Right, without any other joined: For Example, if a Man and Wife hold Land for their Lives, the Remainder to their Son; here the Man dying, the Lord shall

not have Heriot, because he dieth not sole Tenant. See *Kitchin*, fol. 134.

**Sollicitor**, *Sollicitator*, Is a Man employed to take Care of, and follow Suits depending in Courts of Law or Equity; formerly allowed only to Nobility, whose menial Servants they were, but now, too frequently, used by others, to the Damage of the People, and the Increase of Champerty and Maintenance.

**Solidata terra**, As much Land as is yearly worth one Shilling: *Terram de Riseburga qua solebat reddere 30 solidos. Mon. 2 Tom. pag. 98. See Fardingdeal of Land. Solidata also signifies the Pay or Stipend of a Soldier, Et qui terram non habent & arma habere possunt, illuc veniant ad capiendum solidatas nostras. Breve Regis Johannis Vicecomitibus Angliæ, Anno 1213.*

**Solidatum** In the *Neuter Gender* signifies that absolute Right or Propriety which a Man hath in any Thing, viz. *Urbem Cantuariam quam Lanfrancus Archiepiscopus habuerat ex beneficio, isti Auselmo concessit ex solido. Malsmb. Lib. 1.*

**Solinus terre**.—— *In communi terra Sancti Martini sunt 400 acra & dim. que faciunt duos Solinos & dim. Domesday. In which Book, this Word is only used in Kent, and no other County. Septem Solini terra sunt 17 Carucate. 1 Inst. fol. 15. According to this Computation, solinus terra is about 160 Acres, and 7 solini are about 1120 Acres, which is less than 17 Carucate, for at the lowest Carucate terra is 100 Acres. But my Lord Coke was of Opinion, that it did consist of no certain Number of Acres. This Word Solinus was probably from the Sax. Sulk, a Plough, but what Quantity of Land this Solin, Sulling, or Swoling did contain, is not so easily determined. I believe it was commonly the same with a Plough-Land. So that in Domesday Book, Se defendit pro uno solino, is, it is taxed for one Carucate or Plough-Land.*

**Soller** or *Solar*, *Solarium*, A Chamber or upper Room; *Dedi—— unam shopam cum solario super edificato. Ex Ver. Carta.*

**Solvendo esse** Is a Term of Art, signifying that a Man hath wherewith to pay, or as we say, is a Person solvent.

**Solutione feodi militis Parliamenti**, and **Solutione feodi Burgens. Parliamenti**, Are Writs whereby Knights of the Shire and Burgessees may recover their Allowance, if it be denied. Anno 35 H. 8. cap. 11.

**Soma**, A Body. *Mon. 3 Tom. pag. 117.*

**Sommons**. See *Summons*.

**Sona** for *Stola*, a Priest's Garment. *Mon. 1 Tom. pag. 6.*

**Sontage** Was according to *Stow*, pag. 284. a Tax of Forty Shillings laid upon every Knights Fee: In some Places the Word is used for coarse Cloth, as bagging for Hops, or the like. See *Systema Agricultura.*

**Sozbioudunum**, *Old Sarum*.

**Sorcery**, *Sortilegium*, Divination by Lots, which is Felony by 1 Jac. cap. 12. *Sortilegus, quia utitur sortibus incantationibus Daemonis. 3 Inst. fol. 44. Sorcery & devinal sont Members de Herefy. Mirror, cap. 1. sect. 5. Sortilegi sunt divinatores, vel isti qui sub nomine fictæ Religionis per quasdam, quas sanctorum vel Apostolorum vocant, sortes vel divinationes, sententiam vel scientiam profitentur; sive divinationes, aut quarumcumq; scripturarum inspectione futura promittunt. Vocab. utriusq; juris. Excepted out of the Act of general Pardon, 12 Car. 2. cap. 11.*



**Sors.** In Sums of Money lent upon Usury, the Principal was called *Sors*, as distinguished from the Interest. *Socii Mercatores Senenses Episcopum Elyensem trahunt in causam coram Magistro Alexandro de Ferentyn Judice a Domino Papa delegato super trecentas marcas de sorte, & centum marcas de interesse. Anno 40 H. 3. Prynn. Collect. Tom. 2. pag. 161.*

**Sorring Berkes,** 3 *fac. cap. 16.* A Sort of Cloth so called.

**Sorvus Accipiter,** A Sor or Soar-hawk. King John granted to Robert de Hese, Land in Berton of the Honour of Nottingham, to be held—  
*Per servitium Accipitris fori nobis reddendi singulis annis.* Cartular S. Edmundi, MS. f. 113.

**Sothale,** Mistaken without Doubt for *Scotale*, yet in *Bracton, lib. 3. tract. 1. cap. 1.* it is written *Sothaile*; and he says, it is so called *Fictale*, and was a Kind of Entertainment made by Bailiffs to those of their Hundred for Gain, which the same *Bracton* says was taken away in the Reign of Henry the Third. See *Scotale*.

**Sothtaga** Is an old Word, which signifies History: From the Sax. *Soth, verum*, and *saga, Testimonium*; for all Histories should be true, or true Sayings; from hence we derive our English Word *Southsayer*.

**Sovereign,** A Piece of Gold current at Twenty-two Shillings Six-pence in 1 H. 8. when by Indenture of the Mint, a Pound-weight of Gold of the old Standard was to be coined into Twenty-four Sovereigns. In 34 Hen. 8. they coined Sovereigns at Twenty Shillings a-Piece, and half Sovereigns at Ten Shillings. In 4 Edw. 6. Sovereigns of Gold at Twenty-four Shillings a-Piece. In 6 Edw. 6. Sovereigns at Thirty Shillings. So in 2 Eliz.

**Southampton.** See *Clausentum*, and *Trisantonis Portus*.

**South Wiscourt,** *Sub-Viccomes*, Is the Under-Sheriff. *Crompt. Fur. fol. 5.*

**Sowlegrove,** An old Name of the Month February, so called by the Inhabitants of *South Wilts*, who have this Proverb, *Sowlegrove sil lew*, i. e. February is seldom warm.

**Sowne** Is a Word corrupted from the French *Souvenue*, i. remembre; for the Stat. 4 Hen. 5. cap. 7. in the Original French hath *Des estreats nient souvenu*, which by turning the Two *uo* into *w*, was first made *Sowen*, afterward *Sown*; and such *Estreats* and Casualties as are not to be remembre, run not in Demand, that is, are not leviable: It is a Word of Art used in the Exchequer, where *Estreats that sowne not*, are such as the Sheriff by his Industry cannot get, and *Estreats that sowne*, are such as he may gather. 4 *Par. Inst. fol. 107.*

**Spadarius,** For *Spatharius*, a Sword-bearer.

**Spatæ Placitum,** Pleas of the Sword, or a Court Martial for the speedy Execution of Justice on Military Delinquents.—*Item diximus per sacramentum nostrum quod vidimus Henricum & Richardum quondam Reges Angliæ tenentes Placitum Spatæ in civitate & banlevia Lexovii.* Cart. A. D. 1105. Brady Append. to Hist. of England, p. 45.

**Spatularia** Is numbred among the holy Garments in the *Monast. 3 Tom. pag. 331. viz. Cum Alba, amicta, stola, Faxone, Spatulariis & mariculariis, &c.*

**Speaker of the Parliament** Is an Officer in that High Court, who is as it were, the common

Mouth of the rest: And as that honourable Assembly consists of Two Houses, so there are Two Speakers, the one termed the Lord Speaker of the House of Peers, and is most commonly the Lord Chancellor, or Lord Keeper of the Great Seal of England. The other (being a Member of the House of Commons) is called *The Speaker of the House of Commons*; both whose Duties you have particularly described in a Book entitled, *The Order and Usage of keeping the Parliament.* See *Parliament*.

**Specialitas,** A Specialty is taken for a Bond, Bill, or such like Instrument. But it hath heretofore been taken for particular Acquaintance, as appears *Inter Pl. coram Rege apud Ebor. Mich. 1 E. 3. Rot. 123. Presentatum fuit per Juratores quod quidam Johannes de Pratis habuit quandam uxorem amicabilem, de cujus specialitate Willielmus filius Henrici Molendinarii & similiter quidam alii malefactores fuerunt; ita quod predicti malefactores venerunt ad lectum ipsius Johannis ubi jacebat, & ipsum traxerunt ab eadem, & ipsum abinde duxerunt & tenuerunt dum predictus Willielmus concubuit cum ea.*

**Special Matter in Evidence.** See *General Issue*, and *Bro. Tit. General Issue and Special Evidence*.

**Speleum,** The Cell of a Monk, viz. *Conbusta illic Ecclesia B. Mariæ, reclusa una Ufculata, qua speleum suum nec in tali necessitate deferendum putavit.* Malmsh. Lib. 3. pag. 112.

**Spigurnel.** *Galsfridus Spigurnel* was by King Henry the Third appointed to be Sealer of his Writs, and perhaps the first in that Office. Therefore in After-times, the Persons that enjoyed that Office were called *Spigurnels*. *Pat. 11 Hen. 3. m. 7. & Claus. 4 Edw. 1. dorso m. 6. Johannes Boun Miles, Filius Domini Francisci Boun, & Johanna uxor ejusdem Johannis concedunt al Roy servitiam suam ipsius capella Regis, & officium Spigurnellorum ad ipsos spectans; qua de Rege tenent in Capite.* Memorand. in Scaccar. Mich. 14 Ed. 1. by Sir John Maynard.

**Spikenard,** *Spica Nardi, vel Nardus*, Is a medicinal Herb. whereof read *Gerard's Herbal, lib. 2. cap. 415.* The Fruit or Ear of this (for it brings forth an Ear like *Lavender*) is a Drug garbleable, by 1 *fac. cap. 19.*

**Spina,** Speen near Newbury in Berkshire.

**Spinacium** Is that Sort of Vessel which we now call a Pinnace: It is mentioned by *Knighton, Anno 1338. Redierunt Normanni cum galeis 12 & cum octo Spinaciis cum manu bene armata.*

**Spinduræ** Were those Three Golden Pins which were used about the Pall, and from thence

**Spindulatus** Signified to be adorned with the Archiepiscopal Pall, viz. *Lanfrancus Episcopus in tabula plumbea ponderosa valde inventus fuit, in qua a prima die sepulture intactis Membris mitratus, Spindulatus usque in hunc diem jacebat.* Du Cange.

**Spinster,** It is the Addition usually given to all unmarried Women, from the Viscount's Daughter downward: Yet Sir Edward Coke says, *Generosa* is a good Addition for a Gentlewoman, and that if they be named *Spinster* in any Original Writ, Appeal or Indictment, they may abate and quash the same. 2 *Inst. fol. 668.* Pollard Miles & Judic. habuit 11. filios gladiis intos in tumulo suo & totidem filias suls depictas. Spelman in his *Alplogia* says, — *Antiquis temporibus ipse Regina*

*gine fufes ufa funt, unde hodie omnes fœmina Spin-  
sters dicta funt.*

**Spiritualities of a Bishop, Spiritualia Episcopi**  
Are those Profits which he receives as a Bishop,  
not as a Baron of the Parliament. *Staundf. Pl.*  
*Cor. fol. 132.* Such are the Duties of his Vifita-  
tion, his Benefit growing from ordaining and in-  
stituting Priests, Preftation-Money, that is, *sub-  
sidium charitativum*, which upon reasonable Cause  
he may require of his Clergy. *Johannes Gregor.*  
*de Benefic. cap. 6. num. 9.* and the Benefit of his  
Jurisdiction. *Jochimus Stephanus de Jurisd. lib. 4.*  
*cap. 14. num. 14.*

**Spittle-House**, Mentioned in the Act for Sub-  
sidies, 15 Car. 2. cap. 9. Is a Corruption from Ho-  
spital, and signifies the same Thing; or it may be  
taken from the Teutonic Spital, which denotes  
an Hospital or Alms-House.

**Sponation, Spoliatio**, Is a Writ that lies for  
one Incumbent against another, in any Case  
where the Right of the Patronage cometh not  
in Debate; As if a Parson be made a Bishop,  
and hath Dispensation to keep his Rectory, and  
afterwards the Patron present another to the  
Church, which is instituted and inducted. The  
Bishop shall have against this Incumbent a  
Writ of *Spoliation in Court Christian*. *F. N. B. fol.*  
*36.* See *Benevolence*, and *Termes de la Ley*, hoc  
verbo.

**Sponsagium**, In a Charter of Edw. 1. to the  
Barons of his Cinque-ports. — *Quieti  
sint de omni thelonio & omni consuetudine, videlicet, ab  
omni lastagio, tallagio, passagio, cayagio, rivaagio,  
Sponsagio, & omni arecco.* — *Placit. temp. Ed.*  
*1. & Ed. 2. MS. penes Dom. Fountains.*

**Sponste oblata's**; So antiently free Gifts and  
Present to the King were called.

**Sportula** Signifies Gifts, Gratuities, Salaries.  
*Ut nec Episcopus nec Abbas pro justitia facienda Spor-  
tulas contradictas (i. e. forbidden) accipiat.* From  
hence St. Cyprian, (*Epist. 70, 71, 90.*) calls those  
Clergymen *Sportulantes fratres* who received such  
Gifts for their Maintenance, which afterwards  
were called *Præbende*.

**Sponse-breach**, Adultery, or Incontinence, op-  
posed to simple Fornication. *A. D. 1542.* The  
Lady Katherine was accused to the King of incon-  
tinent living not only before her Marriage, but  
also of *Sponse-breach* after her Marriage. *Fox Aft.*  
*Mon. Vol. 2. pag. 540. b.*

**Spullers of Warr** Are Tiers of Yarn, to see  
if it be well spun, and fit for the Loom. *Anno 1*  
*Mar. Parl. 1. cap. 7.* Spullers are those that  
work at the Spole, i. e. *Rota glomeratoria textu-  
rum, qua fila rotando conglomerantur*, says Dr.  
*Skinner.*

**Spurarium aureum**, A Spur-Royal. —  
*Pro hac recognitione dedit Johannes predicto Hugoni  
unum spurarium aureum. Paroch. Antiq. pag. 321.*

**Spren**, Broken Wood, or Wind-fall. —  
*Cum autem in boscis nostris aliqua succiderimus, licebit  
eis sine aliquo ferramento vel aliquo ustilio succibili in-  
trare, & ramalia qua de Wyvede remanserint, qua  
Anglice Spren dicuntur, colligere.* — *Conventio in-  
ter Priorem & Convent. Cantuar. & Homines de Cher-  
tham facta anno 1166.* — *Ex Registro Eccl.*  
*Christi Cant. MS.*

**Squalley**, Anno 43 Eliz. cap. 10. See *Retwey*.  
It is a Note of Faultiness in the Making of  
Cloth.

**Squillarii for Scalarii**, i. e. Stone-cutters. See  
*Scalaria.*

**Squires**. See *Esquires*.

**Stabilia**, It was a Custom in Normandy, that  
where a Man in Power claimed Lands in the Pos-  
session of an Inferior, he petitioned the Prince  
that it might be put into his Hands till the Right  
was decided; and then he had a Writ which was  
called *Breve de Stabilia*. To this a Charter of  
Henry the First seems to allude, in *Pryn, lib. Angl.*  
*1 Tom. pag. 1204. viz. Et omnes decimas venationis  
predictarum forestarum excepta decima illius venationis  
quæ capta fuerit cum Stabilia in foresta de Windlesore.*

**Stabilitio venationis**. *Qui monitus ad Stabi-  
litionem venationis, non ibat, L. fol. Regi emendabat.*  
*Domesday.* The driving Deer to a Stand, which  
is also called *Driving the Wanlasts*. *Omnes Burgen-  
ses de Bishops-Castle debent invenire unum hominem ter  
per annum ad Stabimentum pro venatione capiendam  
quando Episcopus voluerit.* *Lib. niger. Heref.* So in  
*Leg. H. 1. cap. 17. In venatione si quis ad Stabili-  
tatem non venit, i. e.* He who doth not come to  
the Place where he ought to stand.

**Stablestand**, (*Stabilis statio*, or rather *stans in  
Stabulo*) Is one of the Four Evidences or Pre-  
sumptions whereby a Man is convicted, to intend  
the Stealing the King's Deer in the Forest. *Man-  
wood, part 2. cap. 9. num. 9.* The other Three  
are *Dog-draw*, *Back-bear*, and *Bloody-band*. This  
*Stablestand* is, when a Man is found in *stabili sta-  
tione*, at his Standing in the Forest with a Cross-  
bow, or Long-bow bent, ready to shoot at any  
Deer, or else standing close by a Tree with Grey-  
hounds in a Leash, ready to slip.

**Stabulum** for *Tabulatum*, which see.

**Stachia**, An *Estache*, A Dam or Head made  
up of Stakes, Earth, Stones, &c. to stop a Wa-  
ter-course. — *Abbas & Conventus Sancti Edmundi  
habent quoddam stagnum prope villam B. Edmundi  
quod vocatur Teyven* — *& Celierarius S. Edmundi  
ligna (ibi transversa) reparare volens fecit ibi venire  
Carpentarios, & apponere fecit stachias subter ligna  
versus aquam, &c.* *Ex Cartular. S. Edmundi, MS.*  
*193. See Estache.*

**Stadium** Is in *Domesday-Book* accounted for  
a Furlong of Land, which is the Eighth Part of  
a Mile.

**Stagiarius**, A Canon Residentiary in a Cath-  
edral Church. *Stagiaria*, the Residence to which  
he was obliged. *Stagiari*, to keep such Resi-  
dence. As in a Statute made in the Chapter of  
*Paul's, 2 Id. Jul. Anno 1319.* — *Ortam de modo  
Stagiarie inter Festum S. Johannis Bapt. & Mich. in  
Ecclesia London. faciendæ Dubitationem volentes enodare;  
ad tollendum omnem conscientie scrupulum antiquam  
consuetudinem stagiandi in dicto termino seu quarterio  
nondum scriptam hac scriptura exprimere decrevimus,  
videlicet, quod antiquus Stagiarius a die Sabbati, &c.*  
— *Ex Libro Statut. Ecclesiæ Paulinæ per Tho.*  
*Lyseaux Decanum, MS. fol. 56. b.* They com-  
monly put this Distinction between *Residentiarius*  
and *Stagiarius*; every Canon installed to the Pri-  
vileges and Profits of Residence was *Residentiari-  
us*, and while he actually kept such stated Resi-  
dence he was *Stagiarius*, or *Stagionarius*. The  
Word *Stadium* was likewise used for Residence,  
as *Stagionarius postquam stagium suum in Domibus  
Ecclesiæ vicinis incepit, &c.* *Ib. fol. 44. a.*

**Stagnarium**, Vel potius *Stannarium*, a Tin-  
Mine, *Rex, &c.* *Concessimus Domine Regine matri  
nostræ cunæum & stagnarium Devon. ad se sustinendum,*  
*Pat. Anno 1 Hen. 3.*

**Stagnes**, *Stagna*, Ponds, Pools, or standing  
Waters, mentioned 5 Eliz. cap. 21.

**Stal=boat**, A Kind of Fishers Boat, Anno 27  
Eliz. cap. 21.

*Stalkers,*

**Stralcker**, A Kind of fishing Nets, mentioned 13 Rich. 2. stat. 1. cap. 20. & 17 Rich. 2. cap. 9.

**Stallange**, *Willielmus Lucy miles remittit domui & Ecclesia de Thelesford, tolle, tack, Stallange, & Blodesbede*—anno 7 H. 7. Cartular. domus de Thelesford, MS.

**Stallage**, (*Stallagium*, from the Sax. *stal. i. e. Stabulum, Statio*.) The Liberty or Right of pitching or erecting stalls in Fair or Market, or the Money paid for the same. *Quod si aliquis portaverit res suas ad forum & posuerit super Stallas, faciet redemptionem pro eis qualibet die Lune, vel semel pro toto anno.* Ex Registro Priorat. de Cokesford. See **Scavage**. In Scotland it is called **Stallange**, and among the Romans it was termed *Siliquaticum a siliqua primo & minimo omnium pondere apud illam nationem*. See **Kennet's Glossary**.

**Stallarius**. It is mentioned in our Historians, viz. in *Simeon Dunelm. Hoveden, Flor. Worcester, Anno 1068.* and it signifies *Præfectum stabuli*. Sometimes it is wrote **Stallare**, which *Spelman* derives from the Saxon *Stal, i. e. Stabulum*, and *Here, Dominus*, and was the same Officer which we now call Master of the Horse. *Eadnothus qui fuit Haroldi Regis Stallarius occurrit cum exercitu, &c.* Sometimes it signifies him who hath a Stall in a Fair or Market. *Fleta, lib. 4. cap. 28. par. 13.*

**Stallum**. See **Terletum**.

**Standardus**, True Standard, or legal Weight or Measure.—*Ricardus Abbas S. Edmundi & Conventus. Salut. Willielmus Tyllos.*

*tenet de nobis quoddam messuagium continet in latitudine quinque virgas Standardi, & in latitudine quatuor virgas Standardi, &c. Dat. 13 Jul. 15 Ed. 4.*—Ex Cartular. S. Edmundi, MS. fol. 268.

**Standard**. See **Estandard**.

**Standardum Londini**. *Vobis mandamus quod Standardum Londini de huiusmodi mensuris diligenter assidari & probari, ac alias mensuras per dictum Standardum fieri ad singulos Comitatus Regni, &c. Claus. 14 Ed. 2. m. 14. intus.*

**Standell**. Is a young store Oak-tree, which may in Time make Timber; Twelve such are to be left standing in every Acre of Wood at the Felling thereof. 35 H. 8. 17. and 13 Eliz. cap. 25.

**tanlatr**, A Stony Hill. *Domesday.*

**Stannariæ**, *Stannaria*, Comes from the Latin *stannum*, Tin, and signifies the Mines and Works where this Metal is digged and purified; as in Cornwall, and other Places: Of this read *Cambd. Brit. pag. 119.* The Liberties of the *Stannary-Men* granted by Edward the First, before they were abridged by the Statute 50 E. 3. see in *Plowden's Case of Mines*, fol. 327. and Co. 12 Rep. fol. 9. And further, for the Liberties of the *Stannary-Courts*, see 17 Car. 1. cap. 15. Of which Courts there are Four in Devon and Four in Cornwall.

**Stannum**, In the Statutes of the Cathedral Church of St. Pauls it was ordained, *ut Servientes capas cericas, libros, pannos sericos & lineos ac laneos, stanna, cathedras, pulvinaria & alia ornamenta Ecclesie a vestibulo in chorum seu alibi in Ecclesiam deferent, &c.* where I take *Stanna* to be the standing Candlesticks, such as were sometimes called *stataria* and *Cereo stata*.

**Staple**, *Stapellum*, Signifies this or that Town or City, whither the Merchants of England were, by Act of Parliament, to carry their Wool, Cloth, Lead and Tin, and such like staple Com-

modities of this Land, for the Utterance of them by the Great. The Word may either be derived from the Saxon *Staple*, which signifies the Stay, or Hold of any Thing, according to *Lambard* in his *Duty of Constables*, num. 4. because the Place is certain and settled; or else from the French *Estape, i. e. forum vinarium*, a Market of *Staple* for Wines; the chief Commodity of *France*; or rather from the German *Stapelen*, which signifies to gather, or, to heap any Thing together. And accordingly in a French Book we find it written.

—*A Calais y avoit Estape de la laine, &c.* which is as much as to say, as the *Staple* for Wools. You may read of many Places appointed for this *Staple* in our Statutes, according as the King thought fit to alter them, from the Second Year of Edward the Third, to the Fifth of Edward the Sixth, cap. 7. What Officers the *Staples* had belonging unto them, you may see in Anno 27 E. 3. stat. 3. cap. 21. The *Staple* Commodities of this Realm, are Wool, Leather, Wool-fells, Lead, Tin, Butter, Cheese, Cloth, &c. as appears by the Statute 14 Rich. 2. cap. 1. though some allow only the Five first. See 4 Inf. fol. 238.

**Star**, *Starrum*. A Contraſtion from the Hebrew *Shetar*, which signifies a Deed or Contraſt. All the Deeds, Obligations, and Releases of the Jews, were anciently called *Stars*, written for the most Part in Hebrew alone, or else in Hebrew and Latin; one of which yet remains in the Treasury of the Exchequer, written in Hebrew without Pricks in King John's Reign, the Substance whereof is thus expressed in Latin just under it, like an English Condition under a Latin Obligation.—*Iſtud Star fecit Hagius filius Magri de London Domino Ade de Stratona, de acquietancia de Stanmore de omnibus debitis in quibus Dominus S. de Cheyndut ei tenebatur. Ita quod idem Judeus nec heredes sui nihil exigere possint de predicto Ade, nec de heredibus suis, ratione terre de Stanmore de predictis debitis.* See the Plea-Rolls of Pasch. 9 Edw. 1. Rot. 4, 5, 6, &c. Where many Stars, as well of Grant and Release as obligatory, and by Way of Mortgage, are pleaded and recited at large.

**Stara**, From *Sextaria*. *Sex Staras vini, &c.*

**Star-Chamber**, *Camera stellata*, otherwise called *Chamber des estoilles*, was a Chamber at Westminster so called (as Sir Tho. Smith de Rep. Anglor. lib. 2. cap. 4. conjectures,) because at first the Ceiling thereof was adorned with Images of gilded Stars. And in the 25 of Hen. 8. cap. 1. It is written the *starred Chamber*. Henry the Seventh, and Henry the Eighth, ordained by two several Statutes, viz. 3 Hen. 7. cap. 1. and 21 Hen. 8. cap. 2. That the Chancellor assisted by others there named, should have Power to punish *Routs, Riots, Forgeries, Maintenances, Embraceries, Perjuries*, and other such *Misdemeanors* as were not sufficiently provided for by the Common Law, and for which the inferior Judges are not so proper to give Correction: And because that Place was before set apart to the like Service, it was still used accordingly. Touching the Officers belonging to this Court, see *Cambd. pag. 112, 113.* But by the Statute 17 Car. 1. cap. 10. this Court commonly called the *Star-Chamber*, and all Jurisdiction, Power and Authority thereto belonging, are from and after the First of August, 1641. clearly and absolutely dissolved and determined, and so continues dissolved and determined to this Day.

F f f

Starling.

**Starling.** See *Sterling*.

**Statara,** i. e. Money. It is mentioned in *Malmesbury*, in the Life of St. *Aldhelm*, cap. 9. viz. *Wintonia praelatus Daniel qui esset ejusdem Regionis oriundus, & Statararum non egenus, &c.*

**Stationarius,** A Canon Residentiary in a Cathedral Church. See *Stagiarius*, *Statio*, Residence.

**Statuarium,** A Grave or Tomb adorned with Statues. *Ac ejus sacro corpore terrâ illic inter multa alia Romana Statuaria commendato, &c.* Ingulphus, pag. 853.

**Status de manerio,** All the Tenants and legal Men within the Liberties of a Manor, met in the Court of their Lord, to do their customary Suit, and enjoy their Usages and Rights. — *Apud curiam de WrecheWyke tentam in Festo S. Andree anno 17. E. 3. — omnis status de WrecheWyke elegerunt Hugonem Kyng ad officium Prapostiti, & juramentum suscepit.* Proch. Antiq. p. 456.

**Statute, Statutum,** Has divers Significations; as first, it signifies an Act of Parliament made by the King and the Three Estates of the Realm, in which Sense it is either general or special. *Co. lib. 4. Holland's Case, f. 76.* Statute in another Signification, is a short Writing called a *Statute-Merchant*, or a *Statute-Staple*, which are in Nature of Bonds. Anno 5 H. 4. cap. 12. and are called *Statutes*, because made according to the Forms expressly provided by *Statutes*, which direct both before what Persons, and in what Manner they ought to be made. *West. Symbol. part 1. lib. 2. sect. 151.* where he defines a *Statute-Merchant* thus, A *Statute-Merchant* is a Bond acknowledged before one of the Clerks of the *Statutes-Merchant* and Mayor, or chief Warden of the City of London, or Two Merchants of the said City for that Purpose assigned, or before the Mayor, chief Warden, or Master of other Cities or good Towns, or other sufficient Men for that Purpose appointed, sealed with the Seal of the Debtor and of the King, which is of Two Pieces; the Greater is kept by the Mayor, chief Warden, &c. and the lesser Piece thereof by the said Clerks: The Form of which you may see in *Fleta, lib. 2. cap. 64. sect. 2.* thus: *Noverint universi me N. de tali Comitatu teneri P. in quadraginta marcis solvendis eidem ad festum Pasch. Anno Regni Regis, &c. & nisi fecero, concedo quod currant super me & heredes meos districtio & pœna provisâ in statu Domini Regis Edito apud Westm. Dat. London, tali die Anno suprâdicto.* The Fee for the Seal is, for *Statutes* acknowledged in Fairs, for every Pound a Half-penny, and out of Fairs a Farthing. The Execution upon a *Statute-Merchant* is, first to take the Body of the Debtor, if he be Lay, and can be found; if otherwise, upon his Lands and Goods, and is founded on the *Statute* made 13 E. 1. stat. 4. See the *New Book of Entries, verb. Statute-Merchant.*

**Statute-Staple** Is so called either properly or improperly. A *Statute-Staple* properly so called, is a Bond of Record, acknowledged before the Mayor of the *Staple*, in the Presence of one of the Two Constables of the same *Staple*, for which Seal the Fee is, of every Pound, if the Sum exceed not 100 li. an Half-penny, and if it exceed 100 li. a Farthing; and by Virtue of such *Statute-Staple*, the Creditor may forthwith have Execution of the Body, Lands and Goods of the Debtor: And this is founded upon the *Statute* 27 Edw. 3. ca. 9. A *Statute-Staple* improper is a

Bond of Record, founded upon the *Statute* 23 H. 8. cap. 6. Of the Nature of a proper *Statute-Staple* as to the Force and Execution of it, and acknowledged before one of the chief Justices, and in their Absence, before the Mayor of the *Staple* and Recorder of London. The Form of all these Bonds or *Statutes*, see in *West. Syml. part 1. lib. 2. sect. 152, 153, 154, 155.*

*Statutes* are also vulgarly taken for the *Petit-Sessions*, which are yearly kept for the Disposing of Servants in Service, by 5 Eliz. cap. 4. See *Recognisance*. And these *Statute-Sessions*, otherwise called *Petit-Sessions*, are a Meeting in every Hundred of all the Shires in England, where by Custom they have been used, whereto the Constables and others, both Houholders and Servants repair, for the Debating of Differences between Masters and Servants, the Rating of Servants Wages, and bestowing such People in Service as being fit to serve, either refuse to seek, or get Masters. Anno 1 Eliz. cap. 5.

**Statuto-Stapula** Is a Writ that lies to take his Body to Prison, and seise upon his Lands and Goods, that hath forfeited a Bond called *Statute-Staple*. Reg. Orig. fol. 151.

**Statutum de Labozariis** Is a Writ Judicial, for the Apprehending of such Labourers as refuse to work according to the *Statute*. Reg. Judic. fol. 27.

**Statuto Mercatorio** Is a Writ for the Imprisoning of him that has forfeited a Bond called *Statute-Merchant*, until the Debt be satisfied. Reg. Orig. fol. 146. And of these there is one against Lay-persons, and another against Ecclesiastical. Ibid. & 148.

**Stabisaker, Staphys agria vel herba Pedicularis,** Is a medicinal Herb; the Kinds and Virtues whereof you have in *Gerard's Herbal, lib. 1. cap. 130.* The Seed of this is mentioned among Drugs to be garbled. Anno 1 Jac. cap. 19.

**Staurum,** Any Store, or Standing Stock of Cattle, Provision, &c. Matt. Westm. Anno 1259. *Viginti insuper & quinque libras pro Stauro ejusdem loci.* When formerly the Bishops occupied and stocked their own Demesne Lands, they were obliged to leave at their Death such a determined Quantity of Cattle for a Stock to their Successors; which Stock upon the Ground was called *Staurum*, and de *Stauro, de Instauro.*

**Stealing** Is the fraudulent taking away of another Man's Goods, with an Intent to steal them against, or without the Will of him whose Goods they be. The Civil Law judges open Theft to be satisfied by the Recompence of Fourfold; and privy Theft, by the Recompence of Double; but the Law of England adjudges both those Offences to Death, if the Value of the Thing stolen be above Twelve Pence.

**Stellatus,** The same with *Stallatus*, viz. one who sells Goods in a Stall. *Bracton, lib. 4. cap. 46. Quæ quidem sufficere debet omnibus nisi forte sint mercatores Stellati, qui merces deposuerint & exposuerint venales.*

**Stemnisfreoh, —** Necnon libertate multura sue in molendino ipsius Roberti, &c. quod sint Stemnisfreoh & Cholfreoch. Mon. Angl. 2 par. fol. 293.

**Stennery** Is used for the same with *Stannaries* in the *Statute* of 4 H. 8. cap. 8. See *Stannaries.*

**Stoerfman.** Si suis bonis spoliati, de navi compertum fuerit, reddat Stoerfman, i. e. Navarchus,



ehus, *bona sive pecuniam illam.* LL. Marina Ethelredi Regis apud Brompton. We yet retain the Name Steers-man, or Pilot. See *Sturemanus*.

*Strebrech*, alias *Strebrech*, Is the breaking, obstructing, or making less of a Way. *Strebrech est, si quis viam frangat, concludendo, avertendo vel fodiendo:* It may be derived from the old English Word *Stre*, i. *Via*, and *Brech*, i. *Fractio*; hence probably to go a *Stray*, or now as we write *astray*, that is, to go out of the Way.

*Stercoris cathedra*, *Vir sive Mulier falsam mensionem in civitate faciens deprehensus in solidis emendabat, similiter malam cervisiam faciens aut in cathedra ponebatur stercoreis, aut quatuor solidos dabat Praepositis.* Lib. Domestici, Cestresire.

*sterilensis*, The same with *Sterling*.

*Sterling*, *sterlingum*, Was and is the Epithet for Silver Money current within this Realm; and took Name from this, that there was a pure Coin stamped first in England by the *Easterlings*, or Merchants of East-Germany, by the Command of King John, and accordingly Roger Hoveden parte poster. suor. annal. fol. 377. writes it *Esterling*. See the Statute of Purveyors, cap. 13. By the Statute 31 Edw. 1. the Penny which is called the *Sterling*, round, and without clipping, weighs Thirty-two Grains of Wheat, well dried, and Twenty Pence make an Ounce, Twelve Ounces a Pound, and Eight Pound a Gallon of Wine, and Eight Gallons a Bushel, which is the Eighth Part of a Quarter. 17 E. 2. cap. 19. The Word is not yet out of Use; for though we ordinarily say lawful Money of England, yet in the Mint, and the like, they say *sterling* Money. (*Sterling*) When it was found convenient in the Fabrication of Monies, to have a certain Quantity or Proportion of baser Metal to be mixed with the pure Gold and Silver; the Word *Sterling* or *Esterling* was then introduced, and has ever since been used to denote the certain Proportion or Degree of Fineness, which ought to be retained in the respective Coins. Vide Lownd's Essay upon Coins, pag. 14. See Kennet's Glossary in *Sterlingi*.

*Steward* (*Senescallus*) Is compounded of the Saxon *Steda*, i. e. Room, Place, or Stead, and *Weard*, i. e. a Ward or Keeper; as much as to say, a Man appointed in my Place or Stead; and always signifies a principal Officer within his Jurisdiction. The greatest of these is the Lord High Steward of England, which was anciently the Inheritance of the Earls of Leicester, till forfeited to Henry the Third by Simon de Mountfort. But the Power of this Officer being very great, of late he has not usually been appointed for any long Time, but only for the Dispatch of some special Business, as the Arraignment of some Nobleman in Case of Treason, or such like, which once ended, his Commission expires. Of the Court of the High Steward of England, you may read 4 Inst. fol. 59. There is the Lord Steward of the King's most honourable Household, 24 H. 8. cap. 13. whose Name was changed to that of Great Master by 32 H. 8. cap. 39. But this Statute was repealed by 1 Mar. 2. Parl. cap. 4. and the Office and Name of the Lord Steward of the King's Household revived, where you may read much concerning him, as also in F. N. B. fol. 241. Of his ancient Power, read *Fleta*, lib. 2. cap. 3. There is also a Steward of the Marshalsea. Pl. Cor. fol. 52. and 33 H. 8. cap. 12. In brief,

this Word is of so great Diversity, that there is in most Corporations, and in all Houses of Honour throughout the Realm, an Officer of this Name and Authority. What a Steward of a Manor or Household is, or ought to be, *Fleta*, fully describes, lib. 2. cap. 71, 72.

*Stewes* or *Stues*, Are those Places which were permitted in England to Women of professed Incontinency, and that for Hire would prostitute their Bodies to all Comers. It is derived from the French *Estuves*, i. *Therma*, vel *Balneum*, because dissolute Persons are wont to prepare themselves for venereous Acts by Bathing. And that this is not new, Homer shews in the Eighth Book of his *Odysse*, where he reckons hot Baths among the effeminate Sort of Pleasures. Of these read 11 H. 6. 1. But King Henry the Eighth about the Year 1546. prohibited them for ever.

*Stica* Was a brass Coin amongst the Saxons, and of the Value of half their Farthing, and Four of them made an *Hestling*.

*Stick* of *Els*, (*Stat composuit. ponden. & mensur.*) Bind *anguillarum constat ex decem sticks, & qualibet stick ex 25 anguillis.* Mon. Angl. Tom. 2. fol. 880. It is in some Records called *brochus anguillarum*.

*Stickler*, A small Officer who cut Wood for the Priory of *Ederose* within the King's Parks of *Clarendon*. Rot. Parl. 1 H. 6.

*Stilpard*, *Guildbalda Teutonicorum*, Anno 19 H. 7. cap. 32. 22 H. 2. cap. 8. and 32 H. 8. cap. 14. was a Place in London, where the Fraternity of the *Easterling Merchants*, otherwise called *The Merchants of the Hanse and Almaine*. Anno 1 E. 6. c. 13. had their Abode. See *Geld*. It was at first so denominated of a broad Place or Court where Steel was sold, upon which Place that House was founded. See *Hanse*.

*Stipula*, *Stubble*, or *Gratten* left standing on the Ground after the Corn is reaped and carried away. — *Dedi unam carectatam foragii, & duas acras stipulae, &c.* Cart. 2. E. 2.

*Prætere concessit eidem Radulfo & heredibus suis habere octo animalia & sex porcos in dominica pastura mea, & in stipulis meis quæta de consuetudine in perpetuum.* Carta Sewalli de Ofeville, Anno 1205.

*Stiremannus*, Saxon *Steor-man*. A Pilot or Steers-man. — *Quando Missatici Regis veniebant ibi (i. e. ad Dover) dabant pro caballo transduendo 3 denarios in hyeme, & 2 in æstate: Burgenses vero inveniebant Stiremannum & unum alium Adjutorem.* Lib. Domestici in Chent. See *Sturemanus*.

*Stoc* and *Stovel*, — *Prætere si homines de Stanball dicti Abbatis inventi fuerint in bosco predicti W. cum forisfacto ad stoc & ad stovel alias stovene, & aliquis querens corporaliter in terram per eos seisset, fuerit, malefactor pro delicto, qui taliter inventus fuerit, reddet tres solidos, — similiter concessum est quod si aliquis inventus fuerit cum brachiis quercuum vel cum aliis minutis boscis, cum forisfacto illo ad stoc & ad stovell, Malefactor ille reddet sex denarios.* E quadam Cart. Conventionum, inter Will. de Bray, & Abbat. & Convent. de Osney. Where *Stoc* signifies Sticks, and *Stovel* signifies *Pabulum*. So that the Forfeiture *ad Stoc & Stovel*, is where any one is taken carrying *Stipites & Pabulum* out of the Woods. See *Zuche*.

*Stockkind*. See *Gavelkind*.

*Stoke*. This Syllable added to the Name of a Place, comes from the Sax. *Stocce*, i. e. *Stipes*, *Truncus*; as *Woodstock*, *Basingstoke*, &c.

**Stola** Was a Garment which Matrons wore, and reached down to their Buttocks Ovid in his Second Book *De Tristibus* mentions the Word,

*Quas stola contingi vittaque sumpta vetat.*

And Ulpian also *de Auro & argento*. Leg. 1. Vestis. Muliebria, inquit, sunt, veluti stola, pallia, tunicae, &c.

**Stola** Was a Garment formerly worn by Priests, like those which we now call Hoods. Stephen Eddy, cap. 10. tells us, That *circundata fuit collo ad interiora descendens, significat obedientiam filii Dei & jugum servitutis quod pro salute hominum super humeros portavit.*

*Plorat & exorat, veniam dum fletibus orat,  
Deponendo Stolam quam toto tempore caram  
Anni portabat, quam sic vehementer amabat,  
Quod sublimatus, quod erat Levita creatus.*

Sometimes it is taken for the Archiepiscopal Pall, viz. *Et ut Romam ad Papam Urbanum pro Stola sui Archiepiscopatus eundi sibi licentiam daret.* Eadmerus, cap. 188.

**Stone of Wool**, *Petra Lana*, Anno 11 H. 7. cap. 4. Ought to weigh Fourteen Pounds; yet in some Places it is more, and in others it is but Twelve and a Half, *Le charre de plumbo constat ex 30 formellis & qualibet formella continet 6 petras exceptis duabus libris, & qualibet Petra constat ex 12 libris.* Compositio de Ponderibus. A Stone of Wax is but Eight Pound, nor is the Stone of Beef at London any more. See *Weights and Scales*, and also *Crompton's Justice of Peace*, fol. 83.

**Stony-Stratford**. See *Lactodorum*.

**Stonium**. It is mentioned in *Hoveden*, p. 670. for a Navy. *Cum 30 magnis navibus, & erant pariter in eodem loco de Storio Regis Anglia 106 magnae naves, &c.*

**Stotal**.—Also moreover we have granted, in Amendment to the City, that they bin all quit of Brytzechel, of Childwit, of Zerefsen, and of Stotall; So that no Sheriff of London, neither none other Bayly, make Stotal in the Francheis aforesaid, &c. This I find in an old printed Book, which delivers it (*inter al.*) as the Charter of Henry 1. to the City of London. But the Word is, without Doubt, mistaken for *Scotale*.

**Stotarius** Was he who had the Care of the Stud or Breed of young Horses. *Leg. Alfredi*, cap. 9. *Et quod de berbicario, Stotario, & vaccario, fit, &c.*

**Stoth**,—*Nativi de Wridthorp*—*solvit quilibet pro filiabus suis maritandis gerson Domino, & Ourloppro filiabus corruptis, & Stoth & alia servitia & auxilia.* Petr. Bles. Contin. Hist. Croyland, pag. 115.

**Stotene**. See *Zuche*.

**Stow**, Either by it self, or added to a Word, signifies a Place; as *Stow* in the *Wold*, a Place near the Plains; from the Sax. *Stow*, *Locus*, and *wold*, i. e. *Planities*. *Godstow*, a Place dedicated to God.

**Stowage**, From the Saxon *Stow*, i. *locus*, *villa*, is the Place or Part where Goods are laid, or the Money that is paid for such a Place.

**Stowe**, According to *Domesday Book* signifies *Villam*, a Village.

**Straits or Streits**, Anno 18 H. 6. and 1 R.

3. cap. 8. A Sort of narrow Cloth or Kersey so called.

**Strand**, Sax. *Strande*. Any Shoar or Bank of a Sea or River. An Immunity from Custom and all Imposition upon Goods or Vessels by Land or by Water, was usually expressed by *Strand and Stream*. As King Henry 2. to the Church of Rochester, — *Concedo & confirmo in perpetuum cum socne & sake, Strand & stream.* Mon. Anglie. Tom. 3. pag. 4. So the same Prince granted to all Tenants and Traders within the Honour of Walsingford, that — *by Water and by Land, by Wood and by Strand, quieti sint de thelonio, passagio, &c.* Paroch. Antiquit. pag. 114. Hence the Street in the West Suburbs of London, which lay next the Shoar or Bank of the Thames, is called the Strand. And G. Duglase mentions the *Strandis of the Sea*. See *Strand*.

**Stranded**, (From the Saxon *Strand*, a Shore or Bank of the Sea, or any great River) Is, when any Ship is either by Tempest, or ill Steerage, run on Ground, and so perishes, Stat 17 Car. 1. cap. 14. See *Strand*.

**Stranger** May be derived from the French *Estranger*, *aliena*. It signifies generally in our Language, a Man born out of the Land, or unknown; but in the Law it hath a special Signification, for him that is not Privy or Party to an Act. As a *Stranger* to a Judgment. *Old Nat. Brev.* fol. 128. is he to whom a Judgment doth not belong; and in this Sense it is directly contrary to *Party* or *Privy*. See *Privy*.

**Stray**. If any Beast do by Chance go astray, and come within the Liberty of the Prior, and shall be taken by his Bailiffs, it shall be carried to the Pinfold, and there kept a Year and a Day; if no Man claim it within that Time, then the Prior shall have it: But if any one come, and shall lawfully prove it to be his, he shall give for every Foot one Penny, and pay the Charges of keeping, and then he shall have his Beast again. *Ex Regist. Priorat. de Cokesford*. See *Estray*.

**Stream-works**, Is a Kind of Works in the Stannaries which you may find mentioned 27 H. 8. cap. 23. Concerning these, Camden in his *Britan. Tit. Cornwall*, hath these Words, *Horum stannariorum sive metallicorum operum duo sunt Genera: Alterum Lode-works, alterum Stream-works vocant, hoc in locis inferioribus est cum fossis agendis stanni venas sectantur & fluviorum alveos subinde deflectunt; illud in locis editioribus, cum in montibus puteos, quos shafts vocant, in magnam altitudinem defodiunt & cuniculos agunt.*

**Streeman**, (Sax.) Id est, *Robustus, vel Potens vir*. Lelandi Coll. Vol. 2. pag. 188.

**Street-gabel** or **Stret-gabel**, *Quilibet tenens in Manerio de Cholington dabit 2 s. pro ita & reditu*, MS. de temp. E. 4. Every Tenant of that Manor, (in Com. Suffex) paid yearly Two Shillings for his going out and returning into it, to the Lord of the Manor, by the Name of *Stret-gavel*. Mich. 4 E. 1. *Coram Rege*. Antiquity of Purveyance, fol. 222.

**Strepitus Judicialis**, The Circumstances of Noise and Croud, and other turbulent Formalities at a Process or Trial in a publick Court of Justice. And therefore our wise Ancestors did in many Cases provide, that Right and Justice should be done in a more private quiet Manner, *Sine strepitu judiciali*. — *Possint eos & eorum Successores per omnem censuram Ecclesiasticam ad omnium & singulorum premissorum observationem absque*

*Articuli*

*Articuli seu Libelli petitione & quocumq; strepitu judiciali compellere.* Paroch. Antiq. p. 344.

**Stretward** Was an Officer like our Surveyor of the Highways, or rather a Scavenger. It is mentioned in the *Monasticon*, 2 Tom. pag. 187. *Idem Comes dedit prefato Nigello constabulario le Stretward & Marketzeld.*

**Streteward.** *Pen Streteward Johannes Stanley, Ar. clamat quod Servientes pacis & Ministri sui infra Feodum de Aldford capere debent de qualibet fuga catalogum in d. Rot. Plac. in Itinere apud Cestriam, 14 H. 7.* This Word is also found in several ancient Charters granted to the Bishops of Hereford, and registred in the Black Book there. See *Marketzeld.*

**Strigliare.** See *Torcere.*

**Strip, Strepitus,** Destruction, Mutilation, from the French *Estropier*, i. *Mutilare, strepitum & vassum facere*, i. To make strip and waste, or strop and waste. See *Estrepiement.*

**Strond** Is a Saxon Word, signifying a Shore or Bank of a Sea, or any great River. In a Charter of King Richard, dated at Canterbury the 4th of November, in the First Year of his Reign, we find these Words, *Richardus Rex, &c. Notum facimus vobis nos concessisse, &c. Deo & sancto Albano Ecclesie sue sancti Oswini de Tyne-muth, cella sancti Albani & Monachis ibidem Deo servientibus omnes terras suas & omnes homines suos, cum sacba, foca, Over strond & streme, on wode & felde, Toll, Themi & Gritburge, Hamfocne, Murdrum & Fore-stall, Danegeld, Infangenethes & Utsfingenethes, Flemisnesfrenieth, Blodwit, Wreke, &c.* And the Gl. ff. in 10. *Scriptores interpreting the Words, On strond & streme, on wode & feld, saith, — Vores Anglica veteres & in antiquioris avi chartis crebro reperta Privilegium sapiunt, seu potius Privilegii latitudinem seu amplitudinem, & sic Latine legantur, in Littore, in Fluvio, in Sylva & Campo.*

**Strumpet, Meretrix,** Was heretofore used for an Addition, *Fur. presentat, &c. quod Johannes de Mainwaring de Whatcroft de Com. Cestr. Esq; Laurentinus de Warren de Davenham Esq; &c. Hugo de Sondebach, Yoman, Hopkin, Norman de Com. Cestr. Husband-Knave, Willielmus le Birchwood de Clyve, Knave, cum plurimis aliis & Agnes Carves de medio Wico de Com. Cestr. Strumpet, — Tali die domum Ranulphi Madocke, vi & armis, &c. frangerunt, &c. Placit. apud Cestr. 6 H. 6. m. 2. in Dorso.*

**Stryk, The Eighth Part of a Seam or Quarter of Corn, a Strike or Bushel.** — *Solvent nomine decimarum molendini sex modios, alias sex stryk bladi prout molendum obvenierit eidem molendino.* Cartular. Rading. MS. fol. 116. a.

**Stud.** *Libere vendendi & emendi, tam in Cestria, quam in Comitatu & Wycis, ubi non fuit Lex ulla, omnia sine Toll & Stud, prater sal & equos, &c. Mon. Angl. 2 par. fol. 187. b.* A Stud or Stode of Mares, is a Company of Mares kept purposely for breeding Colts; from the Sax. *Stodmyra*, i. e. *Equa ad foetum.*

**Sturemannus.** See *Stiremannus.*

**Struth.** — *Per Struth clamat esse quiet. de exactione pecunia a singulis villis, — Per Vicecom. Comit. Cestr. Placit. in Itin. ibid. 14 H. 7.* It is the same with *Sheriffs-tost*; which see.

**Subbarrate,** i. e. *Arrabone uxorem sibi disponere:*

*Quam sponsus subarat prius arrabone Subarrate.*

Florence of Worcester tells us, that King Alfred Subarravit & duxit a Noblewoman of Mercia, Anno 868

**Subdeacon** Is an ancient Officer in the Church: He is mentioned in the Apostolical Canons, viz. 42, 43. He was not made by Imposition of Hands, but by the Delivery of an empty Platter and Cup by the Bishop, and of a Pitcher, Basin, and Towel by the Archdeacon. His Office was to wait on the Deacon with the Linen on which the Body, &c. was consecrated, and to receive and carry away the Plate with the Offerings, and the Cup with the Wine and Water in it, &c. He is often mentioned in the Monkish Historians; and therefore I thought it proper to write so much of his Name and Office.

**Subgruntæ,** The Eaves of a House, *Tegula propendentes extra tectum domus ad parietum defensionem, ne imbris corrumpantur.* Vocab. utriusque juris.

**Subjugalis** Is any Beast carrying the Yoke *Ad caudam Subjugales traxerunt imaginem Crucis.* Mat. Paris. Anno 1249.

**Subiurnare,** i. e. To stay or stop any Thing for a Day or more. *Canes subiurnare, homines vel equos ire vel mittere in exercitum.* Mon. 2 Tom. pag. 1045. Where *Canes subiurnare* signifies to feed Dogs for a Day.

**Sublegerius,** One who is guilty of Incest; from the Saxon *Syb, Cognatio, and Leger, Concubitus*, or rather from the Saxon *Sybleger*, i. e. *Incestus.*

**Submarshal (Submarecallus)** Is an Officer in the Marshalsea, who is Deputy to the chief Marshal of the King's House, commonly called the Knight Marshal, and hath the Custody of the Prisoners there. *Crompt. Jurisd. fol. 104.* He is otherwise called *Under-Marshal.*

**Subnerbare,** To cut the Sinews of the Legs or Thighs, to Ham-string. It was a good old Custom in England, *Meretrices & impudicas mulieres subnerbare.* Vide Osbernium de vita S. Dunstani, apud Whartoni Angl. Sacr. P. Q. p. 146.

**Subornation, Subornatio,** A seerer or underhand preparing, instructing, or bringing in a false Witness, or corrupting or alluring to do such a false Act. Hence *Subornation of Perjury* mentioned in the Act of General Pardon, 12 Car. 2. cap. 3. is the Alluring to Perjury, *Subornation of Witnesses.* 32 Hen. 8. cap. 9. and 3 par. Inst. fol. 167.

**Subpœna** Is a Writ, whereby all Persons under the Degree of Peerage are called into Chancery, in such Case only where the Common Law fails, and hath made no Provision; so as the Party who in Equity hath Wrong, can have no ordinary Remedy by the Rules and Course of the Common Law. *West. Symbol. part 2. Tit. Proceedings in Chancery, sect. 18.* But Peers of the Realm in such Cases are called by the Lord Chancellor's, or Lord Keeper's Letters, giving Notice of the Suit intended against them, and requiring them to appear. There is also a *Subpœna ad testificandum*, for the Summoning of Witnesses as well in Chancery as other Courts. There is also a *Subpœna* in the Exchequer, as well in the Court of Equity there, as in the Office of Pleas. And these Names proceed from the Words in the Writ, which Charge the Party summoned to appear at the Day and Place assigned, *Sub pœna Centum Librarum.* See *Crompt. Juris. fol. 33.* and Anno 15 Hen. 6. cap. 4.

**Subsidium Cathedraliticum.** See *Cathedraticum.*

**Subsidy, Subsidium,** Signifies an Aid, Tax or Tribute, granted by Parliament to the King, for the

the urgent Occasions of the Kingdom, to be levied of every Subject, according to the Rate of his Land or Goods, after Four Shillings in the Pound for Land, and Two Shillings Eight Pence for Goods. No History mentions that the Saxon Kings had any *Subsidies* after the Manner of ours at present; but they had both Levies of Money and personal Services towards the Building and Repairing of Cities, Castles, Bridges, Military Expeditions, &c. which they called *Burghote*, *Brighote*, *Hersfare*, *Heregeld* &c. But when the Danes harraressed the Land, King *Ethelred* yielded to pay them for Redemption of Peace several great Sums of Money yearly. This was called *Danegeld*, for the Levying of which, every Hide of Land was taxed yearly at Twelve Pence, Lands of the Church only excepted, and thereupon it was after called *Hydagium*, and that Name remained afterward upon all Taxes and *Subsidies* imposed upon Lands; for sometimes it was laid upon Cattle, and then was termed *Horn-geld*. The Normans called these sometimes Taxes, sometimes *Tallages*, other-whiles *Auxilia* & *Subsidia*. The Conqueror had these Taxes, and made a Law for the Manner of their levying, as appears in *Emendationibus ejus*, pag. 125. *sect. Volumus* & *firmiter*, &c. Many Years after the Conquest they were levied otherwise than now, as every Ninth Lamb, every Ninth Fleecce, and every Ninth Sheaf. 14 E. 3. *stat. 1. cap. 20*. Of which you may see great Variety in *Rastall's Abridgment*, *Tit. Taxes, Tenths, Fifteenths, Subsidies*, &c. and 4 *Inst. fol. 26* & 33. Whence we may gather there is no certain Rate, but as the Parliament shall think fit. *Subsidy* is in our Statutes sometimes confounded with *Customs*. 11 H. 4. *cap. 7*. See *Benevolence*, and 15 Car. 2. *cap. 7*.

**Substernium**, Litter for a Horse. *Gervase* of *Tilbury* mentions one that was fed with Bread in a Silver Manger, and had a Cushion stuffed with Feathers *pro Substernio*. Du Cange.

**Substitute**, *Substitutus*, One placed under another to transact, or do some Business.

**Suburbani** Are Husbandmen. *Mon. Tom. 2. pag. 969*. *Et terram duarum berciarum quam pastores tenent, & sex Suburbanos cum alodiis suis*, &c.

**Succinum** *Gemma est ex gummi arboris Glessaria congelata, quam diximus appellari a Græcis electrum*. Of which *Juvenal*.

*In cuius manibus ceu pingua Succina tritas  
Cernis Ephemeridas.*

And *Martial*, *Inclust tenuem Succina gemma feram*.

**Succisiones Arborum**, The Croppings of Trees. *Et predicta G. habebit Succisiones Arborum ad includendum predictum Messuagium*, &c. *Charta Jo. Bayly*, dat. 2 H. 5.

**Sucking**, *Per Sucking, hoc est fore quiet. de illis amerciamenis quando le Burlimen, id est, supervisores del Ringyord, id est clausus, quæ vocat. le Chiminfildes vel Common Meddows, & pramonit. fuerint ad imparcand. & faciend. clausuras, illas simul cum vicinis suis, ille qui non venit ad talem pramonitionem, amerciatu erit ad pretium unius vomeris, Anglice. a Sucke, pretii quatuor denarii & hoc quotiescunq; pramonit. non venerit*. *Plac. in Itin. apud Cestriam*, 14 H. 7.

**Suda**, i. e. A Ditch.

**Suetta**, *Secta*, Suit or Service done to a superior Lord. From the French *Suivre*, *sequi*, to

follow. — *Pro omnibus servitiis, curia secutis, suetis, releviis, &c.* *Paroch. Antiquit. pag. 262*.

**Sufferentia pacis**, A Grant or Sufferance of Peace or Truce — *Pro quadam sufferentia pacis cum illis habenda per unum annum duratura*. *Clasf. 16 E. 3. p. 2. m. 2*.

**Sutragan**, *Suffraganeus*, Is a titular Bishop appointed to aid and assist the Bishop of the Diocese. *Co. 2 Inst. fol. 79*. calls him a *Bishop's Vicegerent*. *Spelman* says, *Dicuntur Episcopi qui Archiepiscopo suffragari & assistere tenentur, & suffraganei dicuntur quia eorum suffragiis causa Ecclesiastica judicantur*. It was enacted, (*Anno 26 H. 8. cap. 14*.) that it should be lawful for every Diocesan, at his Pleasure, to elect Two honest and discreet spiritual Persons, within his Diocese, and to present them to the King, that he might give the one of them such Title, Stile, Name, and Dignity of such of the Secs in the said Statute specified; as he should think convenient, &c. and that every such Person shall be called *Bishop Suffragan* of the same See, &c. *Cambden* in his *Britan. Tit. Kent*, speaking of the Archbishop of *Canterbury's Suffragans*, says, When the Archbishop is busied in weightier Affairs, they manage for him Matters that pertain to Order only, and not to the Episcopal Jurisdiction. Others call them *Subsidiary Bishops*; whose Number is limited by the said Statute.

**Suit** or **Sutt**, *Setta*, Signifies a following another, but in divers Senses. The First is a *Suit in Law*, and is divided into *real* and *personal*, and is all one with *Action real* and *personal*. *Kitchin, fol. 74*. Secondly, *Suit of Court*, or *Suit-service*, is an Attendance that Tenants owe to the Court of their Lord. 7 H. 7. *cap. 2*. Thirdly, *Suit-Covenant* is, when your Ancestor hath covenanted with mine to sue to his Court. Fourthly, *Suit-Custom*, when I and my Ancestors have been seized of your own and your Ancestors *Suit*, Time out of Mind. Fifthly, *Suit real* or *regal*, when Men come to the Sheriffs Turn or Leet. See *Leet*. Sixthly, *Suit* signifies the following one in Chace, as *Fresh Suit*. *Westm. 1. cap. 46*. Lastly, it signifies a Petition made to the King, or any great Person.

**Suit of Court**, That is *Suit to the Lord's Court*, is that Service which the Feudatory Tenant was bound to do at the Lord's Court. At first it was expressly mentioned in the Grant how often those Courts should be held. This appears by *Fleta*, *lib. 2. cap. 71. par. 14*. *Qui faciant Settas ad Curiam Domini & quot Settas per Annum*. Sometimes one or more, but never exceeding Three. *Thorn* mentions Two, viz. *Et faciant settam ad Curiam Cantuarie bis per Annum, scilicet, in festo Michaelis & Pasche*. But all the Lord's Tenants were not bound to attend his Courts; but only those to whom their Estates were granted upon that Condition: But every Man was bound to attend the Sheriff's Turn twice in every Year; which see in *Setta Regalis*. And if the Inheritance, by Reason whereof the Tenant was bound to attend only at one Court, did descend to Co-heirs, he who had *capitalem Partem* was bound to attend the Lord's Court both for himself and all the Co-heirs.

**Suit of the King's Deace**, *Setta pacis Regis*, Is the Pursuing a Man for Breach of the King's Peace by Treasons, Insurrections, or Trespases.



6 R. 2. Stat. 2. c. 1: and 27 R. 2. c. 15. and 3 H. 4. cap. 15.

**Sut-silber.** See *Sute-silver*.

**Sulcus aquæ.** A small Brook or Stream of Water, called in some Places a *Sike*, in *Essex* a *Doke*.—*In fine inferiore ipsius mæra descendit quidam sulcus fluens inter medium de Standford-more,* &c. Paroch. Antiq. p. 531.

**Sulherp,** (from the Sax. *Suth*, i. e. *Aratrum*.) Signifies a Plough-land. 1 Inst. fol. 5. a.

**Sullinga, Sillinga, A Swoling, A Plough-land;** from the Saxon *Sul*, a Plough. *Offa Rex totius Angliæ dedit Faniberto Archiepiscopo ad Ecclesiam Christi Dorobern. terram trium acrarum, quam Cantiani Anglice vocant tres Swolinges.* Mon. Angl. Vol. 1. pag. 19.

**Suliba, A Beam.** From the Saxon *Syl*, *Columna*. It is mentioned about the Building Monasteries and Churches in many Authors; and is that which we call a Summer. *Trabs Summaria,* i. e. *Præcipua*.

**Sullery** Denotes a Plough-land, as Mr. *Agar* interprets it out of *Domesday*.

**Sullingata,** The same with *Swolings*. *Et nunc defendebatur illud manerium pro una Sullingata terre.* Thorn. pag. 1931.

**Sullings,** By Sir *Edw. Coke*, (in 1 Inst. fol. 4. b.) are taken for *Elders*, but according to Mr. *Agar's* Interpretation, *Sullings* are in *Domesday* Book taken for *Alders*, i. e. *Alni arbores*. But *quare*; for *Sullings* are the same with *Swolings*, which see.

**Sumage, Sumagium & summagium,** A Horse-load, also Toll for Carriage on Horseback. *Crompt. Fur. fol. 191.* For where the Charter of the Forest, cap. 14. hath these Words, For a Horse that bears loads every Half-year a Half-penny: The Book called *Pupilla Oculi*, useth these Words, *Pro uno equo portante summagium, per dimidium annum obolum.* Chart. E. 1. num. 7. It is otherwise called a *Seame*: And a *Soame* in the Western Parts is a Horse-load.

**Summer-hus-silber.** *Homines quoque de walda debent unam domum æstivalem, quæ Anglice dicitur Summerhus, invenire, aut viginti solidos dare.*—Customale de Newington juxta Sitingburn, MS. From whence it may be inferred, that the Lords or Owners of the Dens and Districts of Wood in the Weald of *Kent*, used to visit those Places in Summer Time, when for their better Accommodation, their Under-tenants were bound to prepare little Summer Huts or Houses for their Reception, or else pay a Composition in Money.

**Sumeter del Wop.** Perhaps the King's Sump-ter-man. q.

**Summa, Saugma, Sauma, French Saume, Somme.** Properly any Load or Burden of a Horse. In old Charters we frequently find *Sauma vini*, and *summa ligni*, for a Horse-load of Wine or Wood. Mr. *Sommer* believes, that this Sort of Burden gave Name to a *Sumpster-Horse*, Latin *Equus sumarius*, French *Somiere*.—*Summa frumenti*, Sax. *Seam* and *Seam-byrden*, was the Quantity of Eight Bushels, or a Quarter, still called a *Seam* in *Kent*, and other South Parts. *Summa frumenti*, and *Summa bladi*, is frequent in our old Writings. *Summa vini.*—*Md. quod Anno Domini 1242. sedata est discordia, quæ orta fuit inter Dominum Robertum de Wafre mil. ex parte una & Dominum Reginaldum Priorem Brecon. ex altera, super quodam angulo terre de Hundret de— dabit unam Summam vini— Et si forte delinquens non habet unde solvat, jacebit in Carcere Domini sui*

*per unum mensem, &c.* A *Seam* or Horse-load of Wine.

**Summa Regia, Summa media, &c.** The different Measure of the Seam or Quarter of Corn, is thus usefully noted in the old Cartulary of *Peterburgh* called *Swasbam*.—*Summa Regia, per quam emitur & venditur in foro; Summa media, per quam Præpositi metunt apud Burgum. Summa de granario, per quam facta liberatio de exitu pistrini. Summa quarta, per quam datur Metecorn infra curiam. Summa Regia excedit veterem summam in tanta portione quod septem summæ Regiæ faciunt octo summas veteres. Item septem summæ Regiæ faciunt duodecim summas de granario.* *Swasbam, MS. fol. 220.*

**Summage.** See *Sumage* and *Seme*.

**Summarius equus,** (see *Sagmarius, &c.*) A Horse to carry Burthens. From *Summa, Onus*.

**Summoneas** Is a Writ Judicial, of great Diversity, according to the divers Cases wherein it is used, which see in the Table of the Register Judicial.

**Summoner, Summonitor,** Is a Petty Officer, that calls or cites a Man to any Court; these ought to be *boni homines*, that is, in *Fleta's* Judgment, *Liberi homines & ideo boni, quia terras tenentes, quod sint coram talibus Justiciariis ad certos diem & locum, secundum mandatum Justiciariorum vicecomiti directum, parati inde facere recognitionem,* lib. 4. cap. 5. sect. Et cum. Summonitors were properly the Summoners or Apparitors, who cited in Delinquents to appear at a certain Time and Place, to answer any Charge or Complaint exhibited against them. Two Persons were joined in this Office, who in Citations from a superior Court, were to be Peers or Equals of the Party cited. At least the Barons were to be summoned by none under the Degree of Knights. Hence Summonitors ordinarii, legales, boni, &c.—*Summone ibidem per bonos Summonitores eundem Thomam quod sit coram nobis in crastino S. Johannis Baptiste responsurus ad hoc quod proponetur.* Paroch. Antiquit. pag. 177. Hence in the Diocese of *Canterbury*, the Apparitors in each Deanery are called the *Summoners*, which was their Title, we know, in *Chaucer's* Time.

**Summonitores Scaccarii.** Those Officers who assisted in collecting the King's Revenues, by citing the Defaulters into the Court of Exchequer.—*De scutagio quod per Summonitores scaccarii exigis.* Paroch. Antiq. p. 200.

**Summons, Summonitio,** is with us as much as *Vocatio in jus*, or *citatio* among the Civilians; And thence is our Word *Summer*, which in French is *Somoneur*, i. e. *vocator, monitor.* Summons of the Exchequer. 3 Edw. 1. cap. 19. How Summons is divided, and what Circumstances it has to be observed, see *Fleta*, lib. lib. 6. cap. 6. 7.

**Summons in terra petita, Kitchin, fol. 286.** Is that Summons which is made upon the Land, which the Party (at whose Suit the Summons is sent forth) seeks to have.

**Summons ad Warrantizandum.** And sequatur sub suo periculo. *Dyer*, f. 69. numb. 35. *Summoneas ad Warrantizandum* Is the Process whereby the *Vouchee* is called. See *Coke on Littl. fol. 101. b.*

**Sumptuary Laws** Are Laws made to restrain Excess in Apparel, and prohibit costly Clothes; of which we have heretofore had many in *England*, but all repealed. Anno 1 Jac. See 3 Inst. fol. 199.

Super-

**Superfodere**, For *Superfidere*, i. e. to give too much Credit to any Thing.

**Super-institution**, *Super-institutio*, One Institution upon another; as where A. is admitted and instituted to a Benefice upon one Title, and B. is admitted, *instituted*, &c. by the Presentment of another. See *Hutchin's Case* in *Co. Rep.* 2. par. fol. 463.

**Super-jurare**. When a Criminal endeavoured to excuse himself by his own Oath, or by the Oath of One or Two Witnesses, and the Crime was so notorious that he was convicted by the Oaths of many more Witnesses; this was called *Super-jurare*. In *Leg. H.* 1. cap. 47. *Et qui culpam exigit de fure occiso, eat se tertio, ut duo sint de cognitione patris, & tertius de cognitione matris, & juvet quod in cognato suo nullum factum erat pro quo de vita forisfactus esset, & eant alii cum duodecim & Super-jurent eum in contaminationem, sicut ante dicebatur.* *Leg. Athelstan.* cap. 16.

**Superoneratione pasturæ** Is a Writ Judicial, that lies against him who is impleaded in the County, for the Overburdening of a Common with his Cattle, in Case where he was formerly impleaded for it in the County, and the Cause is removed into the King's Court at *Westminster*.

**Super Prerogativa Regis** Is a Writ which lay against the King's Widow, for marrying without his Licence. *F. N. B.* fol. 173.

**Supersedeas** Is a Writ in divers Cases, and signifies in general a Command to stay, or forbear the Doing of that which ought not to be done, or in Appearance of Law were to be done, were it not for that whereon the Writ is granted. For Example, A Man regularly is to have Surety of Peace against him of whom he will swear he is afraid, and the Justice required hereunto cannot deny him; yet if the Party be formerly bound to the Peace, either in Chancery, or elsewhere, this Writ lies, to stay the Justice from doing that which otherwise he ought not to deny. See the Table of the *Reg. Orig.* and *Judic.* and *F. N. B.* fol. 236. For preventing the *Superseeding* of Executions, see the Statute 16, 17 *Car.* 2. cap. 8.

**Supersevedere** Is a Word used in the Laws of *Adelstan*, *Canutus*, and in *Bracton*; and signifies to neglect to appear in Court, and plead. *Si quis Gemotum adire Supersedeat, ter emendet overbernissam.* *Leg. Adelstan.* cap. 25. *Leg. Canuti*, 2 Par. c. 26. *Bracton*, lib. 3. cap. 1.

**Super Statutum Edwardi 3. versus Servantes & Laboratores**, Is a Writ that lies against him who keeps my Servants, departed out of my Service, against Law. *F. N. B.* fol. 167.

**Super statuto de York, quo nul terra Viteller, &c.** Is a Writ lying against him that uses Victualling either in Gross, or by Retail, in a City or Borough Town, during the Time he is Mayor, &c. *F. N. B.* fol. 172.

**Super statuto 1 E. 3. cap. 12, 13** Is a Writ that lay against the King's Tenant holding in Chief, which aliened the King's Land without his Licence. *F. N. B.* fol. 175.

**Super statuto facto pour Seneschal & Marshal de Roy, &c.** Is a Writ lying against the Steward, or Marshal, for holding Plea in his Court of Free-hold, or for Trespass or Contracts not made within the King's Household. *F. N. B.* fol. 241.

**Super statuto de Articulis Cleri, Cap. 6.** Is a Writ against the Sheriff or other Officer, that

distrains in the King's Highway, or in the Glebeland, anciently given to Rectories. *F. N. B.* fol. 173.

**Superbiso?** Is a Latin Word signifying a Surveyor or Overseer: It was anciently and still is a Custom among some, especially of the better Sort, to make a Supervisor of a Will, but it is to little Purpose; however the Intention might be good, that he should supervise the Executor, and see the Will truly performed.

**Superbiso?**, Or as now Surveyor of the Highways. *Anno 5 Eliz.* cap. 13. See *Surveyor*.

**Superficies** Is the Surface or Top of the Earth, and whatsoever is upon the Face thereof. *Vocab. utriusq; juris.*

**Supplicavit** Is a Writ issuing out of the Chancery, for taking the Surety of Peace against a Man: It is directed to the Justices of Peace of the County and the Sheriff, and is grounded upon the Statute, *Anno 1 E. 3. cap. 16.* which ordains, that certain Persons in Chancery shall be assigned to take Care of the Peace. See *F. N. B.* fol. 80. This Writ was of old called *Breve de minis*, as *Lambard* saith in his *Eirenarba*, out of the *Regist. Orig.* fol. 88.

**Surcharge of the Forest**, *Superoneratio Forestæ*, Is, when a Commoner puts on more Beasts in the Forest than he has a Right to. *Manwood*, part 2. cap. 14. num. 7. And is taken from the Writ *De secunda superoneratione Pastura*, in the same Sense, when the Commoner surchargeth. 3 *Inst.* fol. 293.

**Sur cui in vita** Is a Writ that lies for the Heir of that Woman, whose Husband has aliened her Land in Fee, and she brings not the Writ of *Cui in vita* for the Recovery of her own Land; in this Case her Heir may have this Writ against the Tenant after her Decease. *F. N. B.* fol. 193.

**Surety of the Peace**, *Securitas Pacis*, (so called, because the Party that was in Fear is thereby secured,) Is an acknowledging of a Bond to the Prince, taken by a competent Judge of Record, for the Keeping of the Peace. This Peace may a Justice of the Peace command, either as a Minister, when he is commanded thereto by a higher Authority; or as a Judge, when he doth it of his own Power, derived from his Commission. Of both these, see *Lamb. Eiren.* lib. 2. cap. 2. pag. 77. See *Peace*. See *Supplicavit*. *Securitas de bono gestu*, Surety of the good Abearing differs from this, that whereas the Peace is not broken without an Affray, or such like; the *Surety de bono gestu* may be broken by the Number of a Man's Company, or by his or their Weapons and Harnes.

**Surgeon**, *Chirurgus*, May be deduced from the French *Chirurgien*, signifying him that dealeth in the mechanical Part of Physick, and the outward Cures performed with the Hand; and therefore is compounded of Two Greek Words, viz. *χειρ manus*, *ργον*, *opus*: And for this Cause are they not allowed to minister inward Medicine. See the Statute 32 *H. 8. cap. 4.* and *Polton's Abridgment*, Tit. *Surgeons*.

**Sur sui jur**, i. e. Upon his Oath. *Leg. Will.* 1. cap. 16.

**Surmicha**, A Loaf of coarser white Bread, such as in Kent is called *Ravel-Bread*, *Conventus de Wartre concedit Joanni de Torp qualibet ebdomada 14. albas Michas conventuales & 14 galones melioris cervisie* — & *servitoribus suis 4. albas Michas & 13. magnas*

*magnas surmichas, item 4 panes bastard.* 28 Mart. 1309. Ex Registr. Grenfeld Archiepif. Ebor. MS. f. 119. Perhaps *Sura micha* was only leaven Bread; there is now a Sort of Oaten Cake in the North called *Sour-Cake*.

**Surplusage, Surplusagium,** Cometh of the Fr. *Surplus*, i. *corollarium*; and signifies in the Common Law a Superfluity, or Addition, more than needeth, which sometimes is a Cause that a Writ abateih. *Broke, Tit. Nugation and Superfluity, fol. 100. Ploviden, fol. 63. Dives and Maningham's Case.* It is sometimes also applied to Matter of Account, and denotes a greater Disbursement than the Charge of the Accountant amounteth unto; *Satisfaciant in omnibus quod conjunctum fuerit per prædictum computum inter eos de surplusagio recepto de averiis venditis, &c.* *Ordinatio de marisco Romenciensis, pag. 38.*

**Surrebutter** Is a Second Rebutter, or a Rebutting more than once. See *Rebutter*.

**Surrejoinder** Is a Second Defence of the Plaintiff's Action, opposite to the Defendant's Rejoinder. *West. Symbol. part 2. Tit. Supplications, sect. 57.* and therefore *Hotoman* calls it *Triplicationem, quæ est secunda actoris defensio contra rei duplicationem opposita.*

**Surrender, Sursum-redditio,** Is an Instrument in Writing, testifying with apt Words, that the particular Tenant of Lands or Tenements for Life, or Years, doth sufficiently consent and agree, That he which has the next or immediate Remainder or Reversion thereof, shall also have the present Estate of the same in Possession, and that he yields and gives up the same unto him: for every *Surrenderer* ought forthwith to give Possession of the Things *surrendered.* *West. Symbol. part 1. lib. 2. sect. 503.* where are several Precedents: There may be also a *Surrender* without Writing: And therefore there is said to be a *Surrender in Deed*, and a *Surrender in Law*; A *Surrender in Deed* is that which is really and sensibly performed. A *Surrender in Law* is in Intendment of Law by Way of Consequent, and not actual. See of this *Perkins, cap. 9. & fol. 606.* As if a Man have a Lease of a Farm, and during the Term, he accept of a new Lease, this Act is in Law a *Surrender* of the former. *Co. 6 Rep. fol. 11.* There is also a *customary Surrender* of the Copyhold-Land, for which see *Coke sup. Littleton, sect. 74.* And a *Surrender* may be of Letters Patent to the King, to the End he may grant the Estate to whom he pleases.

**Surrogat, Surrogatus,** One that is substituted or appointed in the Room of another, most commonly of a Bishop, or of a Bishop's Chancellor.

**Surseise, Superseisa,** 32 H. 8. ca. 48. Seems to be an especial Name used in the Castle of Dover, for such Penalties and Forfeitures as are laid upon those that pay not their Duties or Rent for Castleward at their Days. *Bracton* hath it in a general Signification, *lib. 5. tract. 3. cap. 1. num. 8.* and *Fleta, lib. 6. cap. 3. in princ.*

**Surveyor, Supervisor,** Is a French Word compounded of *sur*, i. *super* and *voir*, *cernere, videre.* It signifies with us, one that has the Over-seeing or Care of some great Person's Land or Works. As the *Surveyor general* of the King's Manors. *Crompt. Fur. fol. 39.* And in this Sense it is taken, 53 H. 8. cap. 39. where there is a Court of *Surveyors* erected: And the *Surveyor* of the Wards and

Liveries. But he is taken away with the Court of Wards and Liveries, by the Statute made Anno 12 Car. 2. cap. 24.

**Surveyor of the King's Exchange,** 9 H. 5. Stat. 2. c. 4. Was an Officer whose Name seems in these Days to be changed into some other; for there is none such now, or else the Office is now dissolved.

**Survivor,** From the French *Survivre*, i. *superesse*, signifies the longer Liver of Two Joint-tenants. See *Bro. Tit. Joint-tenants*, or of any Two joined in the Right of any Thing.

**Sus,** *Unum fuit Machinamentum, quod nostri Suein, veteres vineam vocant, quæ machina levibus lignis colligata, tello tabulis cratibusq; contexto, lateribus crudis coriis communitis, protegit in se subsidentes, qui quasi more Suis ad murorum suffodienda penetrant fundamenta.* Will. Malmsbur. Hist. lib. 4.

*Preparare fecerant variarum argumenta machinarum. Alii Sucs rostratas, alii Contos, alii Sues, sive quodcunque genus vel prius visum vel tunc exogitatum.* Ricardi Regis Iter Hierosol. cap. 59. Let the Etymologists consider, whether the large Tubs with Two Ears, carried on Mens Shoulders by a Pole or large Stick, be not hence called *Sows*, and the Sticks whereon they are carried *Sew-stangs*.

**Susana terra** Is Land worn out with ploughing. It is mentioned in *Tborn de terra mensurata, viz. Summa terra arabilis 567 acra, summa totius cum terra Susana 2149. acra, &c.* and in several other Places there.

**Suscematæ Carnes, Surfeited Meat:** It is mentioned in *Fleta, lib. 2. cap. 12. par. 27. De coquis & carnificibus carnes venditantibus suscematas, vel de marina vel semicotta, &c.* It is called in *Briton, pa. 33. Cars surfanes.*

**Suskin.** See *Galli-Half-pence.*

**Suspension or Suspence, Suspendio,** Is a Temporal Stop of a Man's Right; as when a Seignior, Rent, &c. by Reason of the Unity of Possession thereof, and of the Land out of which they issue, are not in esse for a Time, & tunc dormiunt, but may be revived or awaked, and so differs from Extinguishment, which dies for ever. *Bro. Tit. Extinguishment and Suspension, fol. 314. and Co. on Lit. lib. 3. cap. 10. sect. 559.* Suspension is also used sometimes by us, as it is in the Canon Law *pro minori Excommunicatione, Anno 24 H. 8. cap. 12.* See *Vocab. utriusq; juris.*

**Suspendio ab officio** Is when a Minister for a Time is declared unlit to execute his Office.

**Suspendio a Beneficio** Is when a Minister for a Time is deprived of the Profits of his Benefice.

**Suspiral,** From the Latin *suspirare*, i. *ducere suspiria* And seems to be a Spring of Water passing under the Ground toward a Conduit or Cistern. 35 H. 8. cap. 10. And indeed the Word is an absolute French Word; for *Suspiral* in that Tongue signifies *spiramentum Caverne*, the Mouth of a Cave or Den.

**Sute.** See *Suit.*

**Sute-silber** Is a small Rent, or Sum of Money which, if paid, does excuse the Freeholders from the Appearance at the Court-Barons within the Honour of *Clun* in *Shropshire.*

**Suthdure, i. e.** The South Door of a Church: It is mentioned in *Gervaf. Dorob. de reparatione Cantuar. Ecclesie,* and it was the usual Place where Canonical Purgation was performed; that is, where the Fact could not be proved by sufficient

G g g

Evidence,

Evidence, the Party accused came to the South Door of the Church, and there in the Presence of the People, made Oath, that he was innocent. This was called *Judicium Dei*, and so was the vulgar Purgation, which was by Fire or Water: *Offitium Ecclesie quod antiquitus ab Anglis & nunc usque Suthdure dicitur, in quibus omnes querelas totius regni, quae in hundredis & Comitatus, uno vel pluribus, vel certe in Curia Regis, non possunt legaliter diffiniri, fiunt inibi sicut in Curia Regis Summa, sortiri debere discernitur.* Gervas. Dorob. de reparatione Ecclesiae Cantuar. It is for this Reason, that Porches are built at the South Door of the Church.

**Suwellsilver**, *Inter antiquas consuetudines Abbatie de Sancto Edmundo* — *Apud grangias per totum annum sunt xlii. famuli capientes xlii. metecorns* — *& ad quemlibet metecorn datur singulis unus denarius ad Suwellsilver, & est summa de Suwellsilver per annum ix sol.* — *Ex Cartular. S. Edmundi, MS. fol. 322.*

**Swan**, *Cygnus*, He that stealeth the Eggs of Swans out of their Nests, shall be imprisoned for a Year and a Day, and fined according to the King's Pleasure; one Moiety to the King, and the other to the Owner of the Land where the Eggs were so taken; and it was a Custom in ancient Time, that he which stole a Swan in an open and common River, lawfully marked, the same Swan, (if it may be) or another Swan shall be hanged in a House by the Beak; and he which stole it, in Recompence thereof, compelled to give the Owner as much Corn as may cover all the Swan, by putting and turning the Corn upon the Head of the Swan, until the Head of the Swan be covered with Corn. See Co. 7 Rep. Case of Swans.

**Swan-herd**. See King's Swan-herd.

**Swainmote** or **Swainmote**, (*Swainmotus*) From the Saxon *Swang*, i. e. (as we now call our Rusticks) a Country *Swain*, a Boerlandman, a Freeholder, and *Gemote*, i. e. *Conventus*; (the Saxon *g* being usually turned into *i*, or *y*) signifies a Court touching Matters of the Forest, and held by the Charter of the Forest Thrice in the Year, before the Verderors as Judges. *Ann. 3 H. 8. cap. 18.* What Things are inquirable in the same, you may read in *Crompt. Jurisd. fol. 108.* And it is as incident to a Forest, as a Court of Pie-powder to a Fair; *Nullum Swain-motum de cetero teneatur, in Regno nostro nisi ter in Anno, viz. in Principio quindecim dierum ante festum sancti Michaelis, &c. circa festum sancti Martini, & initio quindecim dierum ante festum sancti Johannis Baptiste, &c.* Charta de Foresta tam Regis Johan. quam Hen. 3. cap. 9. See 4 Inst. fol. 289. See Kennet's Glossary.

**Swarff-Money**, The Swarff-Money is one Penny Hal-penny, it must be paid before the Rising of the Sun; the Party must go Thrice about the Cross, and say the Swarff-money, and then take Witness, and then lay it in the Hole: And when you have so done, look well that your Witness do not deceive you: For if it be not paid, you give a great Forfeiture, 30 s. and a white Bull. This Exposition was found in an old MS. containing the Rents due to the Catesbyes in Lodbrooke, and other Places in Warwickshire; but supposed to be mistaken, or to signify the same with Warth-Money. See Ward-penny.

**Swepage** Is the Crop of Hay got in a Meadow, called also the *Swepe* in some Parts of England. Co. on Lit. fol. 4.

**Swatha**, Sax. *Swath*, a *Swathe*, or as in Kent

a *Sweath*, in some Parts a *Swarth*, i. e. a straight Row of cut Grass or Corn, as it lies after the Scithe at first Mowing of it. A *Swathe* of Meadow was a long narrow Slip of Ground, like a *Selon* in arable Land. William Barward sold his Part of Five Swaths in a Meadow called *Bikemore* — *dua Swaths dicti prati jacent ut sequitur* — *& dua Swathes apud Mathamms.* Paroch. Antiq. pag. 399. Hence in the North, a *Swath-Bank* is a *Swarth* of new cut Grass, where a green *Swarth* or Furrow among arable Land is called a *Swang*.

**Swoling** or **suling** of Land, *Sulinga*, *solinga*, vel *swolinga terre*, in Saxon *Sulung*, from *sul* or *suth*, *aratrum*; as to this Day in the western Parts, a Plow is called a *Sul*, and a Plow-staff a *Sul-paddle*. It is the same with *Carucata terra*, that is, as much as one Plow can till in a Year: A Hide of Land, though others say it is an uncertain Quantity. — *Dedit etiam idem inclutus Rex Willielmus (Conquistor) eidem Ecclesie de Bello in Cantia, Regale Manerium, quod vocatur Wy, cum omnibus appendiciis suis septem Swolingarum, id est, Hidarum, ex sua Dominica Corona, cum omnibus libertatibus & regalibus consuetudinibus, &c.* Rentale MS. de Wy tempore Ven. Patr. Tho. Ludlowe Abbatis, fol. 1. — *Terram trium aratrorum, quam Cantiani Anglice dicunt Three Swolings.* Charta perverusta Eccles. Cantuar. de qua vide Sommerum in Antiquitat. loci, pag. 211. This in Selden's Titles of Honour, fol. 636. is written *Swillinga*.

**Sworn Brothers**, *Fratres jurati*. Persons who by mutual Oath covenanted to share each the other's Fortune. — *Statutum est quod ibi debent populi omnes & gentes univeree singulis annis, semel in anno scilicet, convenire, scilicet in capite Kalendarum Maii, & se fide sacramento non fracto ibi in unum & simul consederare & consolidare, sicut conjurati Fratres.* Leg. Edw. Conf. cap. 35. In any notable Expedition to invade and conquer an Enemy's Country, it was the Custom for the more eminent Soldiers of Fortune, to engage themselves by reciprocal Oaths to share the Reward of their Service. So in the Expedition of Duke William into England, Eudo and Pinco were Sworn Brothers and Co-partners in the Estate which the Conqueror allotted to them. So were Robert de Oily and Roger de Iveri — *Robertus de Oleio & Rogerus de Iverio Fratres jurati, & per fidem & sacramentum confederati venerunt ad conquestum Anglie.* Paroch. Antiquit. pag. 57. No Doubt this Practice gave Occasion to our Proverb of Sworn Brothers, and Brethren in Iniquity, because of their dividing Plunder and Spoil.

**Syb** and **som**, *Pax & securitas*, And accordingly we read in the Laws of King Canutus, cap. 17. *Eallum Cristenum Mannum syb, som gemene*, that is, *Omnibus Christianis Pax & securitas communis esto.*

**Sylva caedua**, Wood under Twenty Years Growth; Coppice wood. See the Statute 45 E. 3. cap. 3. It is otherwise called in Law-French *Subbois*. 2 Inst. fol. 642.

**Symbolum**, (*Gr.*) Is the Apostles Creed; in Latin *Collatio*, because the Catholick Faith was by them in *unum collata*: It is often called by this Name in our Historians, and thus described in the following Verses, which for their Curiosity I have transcribed.



*Articuli fidei sunt his sex cordo tenendi,  
Quos Christi Socii docuerunt pneumate pleni;  
Credo Deum Petrus inquit, ego cuncta creantem,  
Andreas dixit, credo Jesum fore Christum;  
Conceptum, natum Jacobus, passumque Johannes,  
Infernos, Philipus, fregit, Thomasque, revixit,  
Scandit, Bartholomaeus, veniet censere, Matheus,  
Pneuma, minor Jacobus, Symon, peccata remittit,  
Restituet, Judas, carnem, vitamque, Mathias.*

**Synopare**, i. e. To cut his Words short, to pronounce them so as not to be understood; the Word is used in several of our Ecclesiastical Councils and Synods. *Ita quod ex festinatione nimia verba non praedantur vel syncopentur. Concilium Sarisb. cap. 36. Synod. Wigorn. cap. 10.*

**Syndicus**, i. e. A Patron or Advocate: It is mentioned in *Mat. Paris. Anno 1245. Syndicus omnium Christianorum terra Sancta, &c.*

**Synod**, **Synodus**, A Meeting or Assembly of Ecclesiastical Persons concerning Religion, of which there are Four Kinds: 1. *General*, where Bishops, &c. meet of all Nations. 2. *National*, where those of one Nation only come together. 3. *Provincial*, where they of one only Province meet. 4. *Diocesan*, where those of but one Diocese meet. See *Convocation*, which is all one with a *Synod*, only the one is a Greek, and the other a Latin Word. Our Saxon Kings usually called a *Synod*, or mixed Council, consisting both of Ecclesiastics and the Nobility, Three Times a Year; which was not properly called a *Parliament* till Henry the Third's Time. See *Parliament*.

**Synodal**, **Synodale**, Is a Tribute in Money, paid to the Bishop, or Archdeacon, by the inferior Clergy at Easter Visitation; and it is called *Synodale quia in synodo frequentius dabatur*. The Impropriation of *Derebuit in Com. Glouc.* pays yearly 7 s. 9 d. pro Synodalibus & Procurat. onibus. Pat. 20 July 34 H. 8. *Et quod sint quieti a Synodalibus & ab omni Episcopali consuetudine excepto denario beati Petri.* Mon. Angl. 2 par. fol. 276. See *the Historical Discourse of Procurations and Synodals*, pag. 66, & 98. These are called otherwise *Synodials* in the Statute of 32 Hen. 8. cap. 16. yet in the Statute of 25 H. 8. cap. 19. *Synodals Provincial* seem to signify the Canons or Constitutions of a Provincial Synod. And sometimes *Synodale* is used for the Synod it self. See *Dugd. Warwickshire*, fol. 126. and *Spelman de Concil.* 1 Tom. pag. 529.

**Synodales testes**, The Urban and Rural Deans were at first so called, from informing and attesting the Disorders of Clergy and People in the Episcopal Synod. But when they sunk in their Authority, the Synodical Witnesses were a Sort of impanelled Grand Jury, to inform of, or present Offenders, a Priest and Two or Three Laymen for every Parish. At last Two principal Persons for each Diocese were annually chosen, till by Degrees this Office of Inquest and Information was devolved upon the Churchwardens. See *Ker's Paroch. Antiqu.* pag. 649. *Synodale juramentum*, was the solemn Oath taken by the said *Testes*, as is now by Churchwardens to make their Presentments.

T.

**T** Every Person convicted of any other Felony (save Murder) and admitted to the Benefit of his Clergy, shall be marked with a T, upon

the Brawn of his Thumb. *Anno 4 H. 7. cap. 13.*

**Tabard**, **Tabarder**, The Bachelor Scholars on the Foundation of *Queen's College, Oxford*, are called *Tabiters*, or *Tabarders*; of which Name there is a little Dissertation by *Thomas Barlow*, S. T. P. Provost of the said College, and afterwards Bishop of *Lincoln*, which, among other Letters and little Tracts, is now in the Hands of the Reverend Mr. *Offley* Rector of *Midleton, Com. Oxon.* and Prebendary of *Lincoln*, late Chaplain to the said Bishop. Out of which Dissertation, I shall transcribe somewhat for the Instruction, or at least Diversion of the Reader.

That our Scholars were called *Tabiters* (so we now pronounce the Name) from a Kind of Gown they wore, I make no Question. And that Gown was then called a *Tabert* or *Tubarr*, or *Tabard*. For, 1. *Vershegan* tells us, *Tabert* anciently signified a short Gown that reached no farther than the Mid-Leg, and that it remains for the Name of a Gown in Germany, and in the Netherlands. And in England, it is now the Name only of an Herald's Coat. 2. *Edward Bolton*, (Element of Armories, pag. 67.) speaking of the Monument of *Edward the Black Prince* at *Canterbury*, tells us, that there be bath on his quilted Coat Armour with half Sleeves *Tabard Fashion*; and in his Glossary at the End of his Book, explains the Word as *Vershegan* doth. 3. In Spanish I meet with *Tavardo*, which is rendered by *Minsheu* in his Spanish Dictionary, a Kind of Garment like a Coat; the Word he takes not to be a pure Spanish Word, but an Arabick or Moorish Word. 4. In French we know that *Tabarre* signifies the same, and is rendered by *Cotgrave* a long riding Cloak or Garment. So that the Spanish *Tavardo*, and the French *Tabarre*, and the Teutonick and Saxon *Taber* or *Tabord*, signify all the same Thing, a Kind of Garment, &c.

**Taberdum**, A long Garment like a Gown; sometimes it signified a Herald's Coat, but generally a Gown wore by Ecclesiastics. *Frates sacerdotes dicti Hospitalis habent unam robam integram, tunicam, supertunicam, Taberdum & capucium, nigri coloris.* *Mat. Paris.* pag. 164.

**Tabellion**, **Tabellio**, A Notary Publick, or Scrivener allowed by Authority to ingross and register private Contracts and Obligations. *Mat. Paris.* fol. 424. De anno 1236. hath these Words, *Quoniam Tabellionum usus in Regno Anglia non habetur, propter quod magis ad sigilla autentica credi est necesse, ut eorum copia facilius habeatur, statuimus ut sigillum habeant non solum Archiepiscopi sed eorum officiales.*

**Tabernaculum**, A publick Inn, or House of Entertainment. *Memorandum quod die Martis proxime ante Festum Sancti Gregorii Anno Regni Regis Edwardi Fil. Reg. Edwardi secundo. Magister Gilbertus de Segrave Archidiaconus Oxon. recepit dimidiam marcam pro procuracione sua in visitacione sua apud Skulstone—quo quidem die Martis jauit in tabernaculo dicti loci.* *Consuetud. Domus de Farendon*, MS. 48.

**Table Rents**, *Redditus ad mensam*. Rents paid to Bishops or Religious Prelates, reserved or appropriated to their Table or House-keeping. Such Rents paid in *Specie*, or Provision of Meat and Drink, were sometime called *Bord-Land Rents*.

**Tabling of Fines** Is the Making a Table for every County where his Majesty's Writ runs, containing the Contents of every *Fine* passed in

any one Term, as the Name of the County, Towns and Places, wherein the Lands or Tenements lie; the Name of the Demandant and Deforçant, and of every Manor named in the Fine. This is to be done properly by the Chirographer of Fines of the Common Pleas, who every Day of the next Term, after the Ingrossing any such Fine, must fix every of the said Tables in some open Place of the said Court, during its Sitting. And the said Chirographer is to deliver to the Sheriff of every County, his Under-Sheriff or Deputy, fair written in Parchment, a perfect Content of the Table so made for that Shire, in the Term next before the Assises for that County, or else between the Term and the Assises, to be set up every Day of the next Assises, in some open Place of the Court, where the Justices of Assises shall then sit, and to continue there during their sitting: And if either the Chirographer or Sheriff fail herein, he shall forfeit 5*li*. And the Chirographer's Fee for every such Tabling is Four Pence. 23 *Eliz. cap. 3.* and *West. Symbol. part 2. Tit. Fines, sect. 130.*

**Tabula**, A prescribed Form or Directory in Cathedral Churches, drawn up at the Beginning of each Week by the *Hebdomadary*, appointing the several Persons and their several Parts in the Offices of the following Week; which Persons so nominated and allotted to respective Duties, were called *Intabulati*—— *Sacerdotibus injungimus quod cum intabulati fuerint tabulam in legendo & cantando sequantur.* Stat. Eccl. Paulinæ. MS. fol. 546. See *Ebdomadarius*, who was the Officer deputated commonly to this Care, and was therefore called *Scriptor Tabula*, and for the more equal Discharge of his Office, it was thus ordained—— *Scriptori Tabula in virtute obedientia— injungimus, quod officium suum fideliter exequatur, ita quod unum per fraudem seu malitiam non oneret, & alteri gratiam indebite deferat seu favorem, sed circa intabulandos rectum ordinem sine saltu & equitatem omnimodam studeat observare*—— Ibid. fol. 55. a.

**Tabur**, (*Taburcium*) A Bell used in Time of War: It is mentioned in *Dicetus*, and several other Historians, viz. *Juxta sonum illius instrumenti quod Ripatoribus vocatur Tabur.* Rad. de Diceto, pag. 1191. And in *Huntingdon, lib. 7. Equi non insolitum ferentes clamorem, buccinarum clangorem & iussus Tabureiorum, &c.*

**Tac**, **Tak**, **Thistle**. *Custumarius in Bosbury debet quasdam consuetudines, videl. Tak & Toll, & Faldsey, & sanguinem suum emere.* Blount of Tenures, pag. 155.—— In *manerio de Thurgaston, Com. Not. Siquis tenentium occiderit porcum unius anni solvebat Domino unum denarium vocatum Thistle-tac, Ibid. p. 153.*

**Tacfre**—— *Cum Household & Haybold & Tacfre de omnibus propriis porcis suis infra omnes metas de Cockisbul, &c.* Charta Domini Tho. de Menylgaring, sine dat. We still retain the Word *Tac-free*, a little altered, that is, they paid nothing for their Hogs running within that Limit.

**Tactare** For *Confirmare*. *Fleta, lib. 2. cap. 61. par. 22.*

**Tadcaster**. See *Calcaria*.

**Taffe**. See *Ratostibus*.

**Tail**, **Talia**, **Tallia**, A Tally or Piece of Wood cut with Indentures or Notches in Two corresponding Parts, of which one is kept by the Cre-

ditor, the other by the Debtor. As now used by our Brewers, &c. and was formerly the common Way of keeping all Accounts.—— *Ut patet per talliam contra Willielmum Spinam collectorem redditus ejusdem anni, &c.* Paroch. Antiq. p. 571. Hence to tell Money, old *English*, a *tal'd Sum*. The Tale of Money. Tale and Retail of Goods. The Tallier (*Talliator*) of the Exchequer, whom we now call the Teller. See *Tailles*.

**Tail**, **Tallium**, May come from the French Word *Taille*, *i. sectura*, and in our Law signifies Two several Things, both grounded upon one Reason. *Plowden, fol. 251. Willion's Case.* First, it is used for the Fee, which is opposite to *Fee-simple*, by Reason it is so minced or parted as it were, that it is not in the Owner's free Power to dispose, but is by the first Giver cut or divided from all others, and tied to the Issue of the Donee. *Co. lib. 4. in Proemio*: And this Limitation of Tail is either *general* or *special*. *Tail general*, is that whereby Lands or Tenements are limited to a Man, and to the Heirs of his Body begotten; and it is so called, how many Wives soever the Tenant holding by this Title shall have, one after another in lawful Marriage; his Issue by them all have a Possibility to inherit one after another. *Tail special* is when Lands or Tenements are limited to a Man and his Wife, and the Heirs of their Two Bodies begotten; and hath this Term of *special*, because if the Man bury his Wife before Issue, and take another, the Issue by his Second Wife cannot inherit the Land, &c. Also if Land be given to a Man and his Wife, and to their Son Thomas for ever, this is *Tail special*. See more of this in *Fee*, and *Lit. lib. 1. cap. 2.* and the *New Book of Entries*, verb. *Tail*. *Tail* in the other Signification, is that we vulgarly call a *Tally*: For *une taille de bois*, is a cloven Piece of Wood, to set up an Account upon by Nicks; for in the Statute 10 E. 1. cap. 11. and 27 E. 1. stat. 1. cap. 2. it is termed a *Tail*, and 38 E. 3. cap. 5. and so in *Broke's Abridgment*, Tit. *Tail d'Exchequer*, fol. 247. See *Tailles*.

**Tail** after possibility of Issue extinct is where Land is given to a Man and his Wife, and to the Heirs of their Two Bodies engendered, and one of them over-lives the other without Issue between them begotten; he shall hold the Land for Term of his own Life, as Tenant in the Tail after Possibility of Issue extinct, and notwithstanding that he do Waste, he shall never be impeached of it. And if he alien. he in the Reversion shall not have a Writ of Entry in *confimili casu*, but he may enter, and his Entry is lawful, by *R. Thorpe Chief Justice. 28 E. 3. 96. & 45 E. 3. 25.*

**Tailage**. See *Tallage*.

**Tailles**, (*Tallia*) French *Taille*, Italian *Tagliare*, *i. e. scindere*, a cut Stick, *i. e.* a Stick cut in Two Parts: On each was marked what was due between Debtor and Creditor; and this was the ancient Way of keeping Accounts: Afterwards it signified a Tribute paid by the Vassal to the Lord: From hence comes *Tallagium*, which signifies any Sort of Tax.

But in the feudal Law, *Talliare* signifies to limit or cut: From the French *Tallier* to cut, so that *Talliare feudum* is to limit a Fee-simple, which we call a Fee-tail; that is, a limited Inheritance to such only who are named in the Grant.

There

There are Two Sorts of *Tallies* mentioned in our Statutes, to have been long used in the Exchequer; the one is termed *Tailles* of Debt, Anno 1 Rich. 2. cap. 5. which are a Kind of Acquittance for Debt paid to the King. As for Example, the University of Cambridge pays yearly Ten Pounds for such Things as are by their Charter granted them in Fee-farm, viz. 5 l. at the Annunciation, and 5 l. at Michaelmas. He that pays these Sums, receiveth for his Discharge a *Taille* or *Tally* at each Day, with both which, or Notes of them, he repairs to the Clerk of the Pipe-Office, and there instead of them, receiveth an Acquittance in Parchment for his full Discharge. The other are *Tailles* of Reward spoken of 27 H. 8. 11. & 33 & 34 H. 8. 16. and 2 & 3 E. 6. cap. 4. which seem to be *Tailles* or *Tallies* of Allowance, or Remcompence made to Sheriffs for such Matters, as to their Charge they have performed in their Office, or for such Monies as they by Courfe have cast upon them in their Accounts, but cannot levy, &c. See 2 & 3 E. 6. cap. 4. There are also *Tallies* of Debt used among Subjects, Et si creditor habet *Talleam*, oportet creditorem probare illam per convicinos suos vel per alios, per quorum fidelitatem *Ballivi* & alii presentes illo tempore in Curia notitiam habere possunt, & si Creditor petat debitum per vocem suam simplicem tunc debitor potest esse ad suam legem manifestatam. MS. Codex de LL. Statutis, &c. Burgh villæ Montgomer. a temp. H. 2.

*Tailia*, Under-wood fit to cut: Et 300 Acres silvæ pafillis modo val. 6 lib. & *Tailia*, 40 Sol. Domesday.

*Taini* or *Thaini* mediocres Were Freeholders, and sometimes called *Milites Regis*, and their Land called *Tain-land*. 1 Inst. fol. 5. b. See *Thane*.

*Taint*, *Attinſus*, Cometh of the French *Teint*, i. infectus, and signifies substantively, either a Conviction, or adjectively a Person convicted of Felony or Treason, &c. See *Attaint*.

*Tales* Is a Latin Word of known Signification, and used in our Law for a Supply of Men impanelled upon a Jury or Inquest, and not appearing, or at their Appearance challenged by either Party as not indifferent; in which Case the Judge, upon Motion grants a Supply to be made by the Sheriff of one or more such there present; and hereupon the very Act of supplying is called a *Tales de circumſtantibus*. But he that hath had one *Tales* either upon Default or Challenge, may not have another to contain so many as the former: For the first *Tales* must be under the principal Panel, except in a Cause of Appeal, and so every *Tales* less than other, until the Number be made up of Men present in Court, and such as are without Exception: Yet this general Rule is not without some Exceptions, as appears by *Staundford*, Pl. Cor. lib. 3. cap. 5. These commonly called *Tales* may in some Sort, and indeed are called *Meliores*, viz. when the whole Jury is challenged, as appears by *Bro. Tir. Off. Talés*, & *anter Tales*, fol. 105. See *Co. lib. 10. fol. 99. Bewſage's Case*.

*Tales* Is also the Name of a Book in the King's Bench Office, of such Jury-men as were of the *Tales*. *Co. lib. 4. fol. 93.*

*Tailia corollina*, i. e. *Tallies* made ex corylo arbore. *Knighton*, pag. 2570.

*Tallage*, *Tallagium*, May be derived of the French *Taille*, which properly signifies a Piece

cut out of the whole, but metaphorically is used for a Share of a Man's Substance paid by Way of Tribute, Toll or Tax. *Stat. de Tallagio non concedendo temp. E. 1.* And *Stow's Annals*, pag. 445. Thence come *Talaigiers* in *Chaucer* for Tax or Toll-gatherers. See *Subsidy*. *Tallage*, says *Coke*, is a general Word for all Taxes. 2 Inst. fol. 532. But Tenants in *antient Demeſne* are quit of these Taxes and *Tallages* granted by Parliament, except the King do tax *antient Demeſne*, as he may when he thinks good, for some great Cause.

*Tallagium facere*, To give up Accounts in the Exchequer, where the Method of Accounting is by *Tallies*.—*Cum Vicecomes Cumbriae sederet super computum ad Scaccarium apud Salop. idem Vicecomes fecit tallagium sub nomine suo 60 libr.*—Memorand. in *Scaccario Mich. 6 Ed. 1.* by Sir *John Maynard*.

*Tallatio*, The keeping Account, as by *Tallies* of all Battles or Delivery of Meat and Drink. By the Statutes of the Church of *St. Paul* in *London*, it was ordained, Ut Custos Bracini claves panetie & cellarii penes se custodiat, & liberationes supervideat, & tallationes faciat per seipsum nisi rationabiliter fuerit impeditus. *Liber Stat. Eccl. Paulinæ*, MS. fol. 40. a.

*Tallage*. See *Tailles*.

*Tallis*, Every Canon and Prebendary in our old Cathedral Churches, had a stated Allowance of Meat, Drink, and other Distributions, to be delivered to him per modum *tallia*. Hence their Commons or set Allowance, in Meat or Drink, was called *tallia*. As in the Statutes of the Cathedral Church of *Paul's*, collected by *Ralph Baldock*, Dean about the Year 1295.—Sicndum est quod non residens Canonicus defungens per annum integrum a die sui obitus computandum talliam suam integram panis & cervisie in bracino—percipiat.

*Talliari de certo tallagio*, To be assessed or taxed at such a Rate or due Proportion, toward the *Tallage* imposed by the King on his Barons and Knights, and by them on their inferior Tenants. See *Kennet's Paro. b. Antiquit. in Glossary*.

*Talshide* or *Talwood* (*Taliatura*) Is Fire-wood, cleft and cut into Billets of a certain Length. Anno 34 & 35 Hen. 8. cap. 3. and Anno 7 Edw. 6. cap. 7. Every *Talshide* marked one, being round bodied, shall contain Sixteen Inches of *Affise* in Compass, &c. Anno 43 Eliz. cap. 14. This was anciently written *Talgbwode*.—Et quod de toto residuo Bosci, quod non valebat pro maeremio, idem Petrus fieri fecit Carbores & boscum computabilem vocatum *Talghwode*. *Claus. 3 E. 3. m. 26. intrus.*

*Tamara*, *Tamerton*.

*Tamarus fluvius*, *Tamar*.

*Tamisis*, *Thames*.

*Tangier*, An antient City of *Barbary*, lying within the Kingdom of *Fez*, mentioned in the Statute of 15 Car. 2. cap. 7. and was formerly Part of the Dominion belonging to the Crown of *England*.

*Tanistry* Is a Law or Custom in some Parts of *Ireland*, of which Sir *John Davis* in his Reports, fol. 28. thus, Quant ascun person seise de ascuns Castles, Manors, Terres ou Tenements del nature & de tenure *Tanistry*, que donques mesme les Castles, &c. dond descendre & de temps dont memory ne ceurt out use de descendre, Seniori & Dignissimo viro Sanguinis & cognominis, de tiel person issent morant seise & que

le file ou les files de tiel person issint morant seife de tous temps avant dit, ne fueront inheritables de tiels terres ou tenements, ou de aucun parte de eux. The Name seems to be derived from *Thanus*. See Sir James Ware's *Antiquitates Hibernie*, pag. 38.

**Tannare**, To Dress or Tan Leather. Prior de *Tynemuth* habet commonachos suos Mercatores coriorum recentium per patriam, qui cum ea comparaverint; apud *Præstum* tannare faciunt & inde naves vel batella apud *Sbeles* onerant. Placito Parliam. 18 Edw. 1.

**Tapenarius**, A Seller of Tapestry, an Upholster. — De quolibet tapenario per totum tempus ferrie (scil. Winton) unum denarium. Pat. 2 Edw. 4. P. 6. M. 6.

**Target**, A Shield; from the Latin *Tergus*, because it was formerly made of Leather wrought out of the Back of an Ox.

**Targia** (*Tarida*) Was a Ship of Burthen, since called a *Tartan*, *Knighton*, Anno 1385. calls it *Taretta*, viz. Cepit duas Taretas bene onustas. *Walsingham*, Anno 1386. calls it *Tarrita*. viz. Cepit sex *Tarritas* refertas multis bonis.

**Tarida**. See *Targia*.

**Tartaron**, (Anno 4 Hen. 8. cap. 6.) A Kind of fine Cloth or Silk.

**Tascha**. See *Thascia*.

**Tappa**. See *Bosfunus*.

**Tare and Tre**, The first is the Weight of Box, Straw, Cloths, &c. wherein Goods are packed. The other is a Consideration allowed in the Weight for Waite, in emptying and re-felling the Goods. See the Book of Rates.

**Tareta**. See *Targia*.

**Tasels** Is a Kind of hard Bur used by Clothiers and Clothworkers, in dressing of Cloth. Anno 4 E. 4. cap. 1.

**Tassale** for *Casula*.

**Tassum**, and *Tassa*, A Mow or Heap, from the French *Tasser*, to pile up. *Commissio facta fuit Roberto Hadham ad vendend. blada & alia bona diversarum Abbatiarum alienigenarum, qui venit & cognovit, quod vendidit blada Prioris de Tickford in garbis in duobus tassis existens. pro 10 li. &c.* Hill. 25 E. 3. Coram Rege, Rot. 13. Hence *Tassare*, to mow or heap up; and *ad tassum furcare*, to pitch to the Mow.

**Tath**, In *Norfolk* and *Suffolk*, the Lord of each Manor had the Privilege of having their Tenants Flocks of Sheep brought at Night upon their own Demesne Ground, there to be folded for the Benefit of their Dung, which Liberty of so improving of their Land is called *Tath*. Vide *Spelman Icenia*.

**Tau** Signifies a Cross: *Tradendo dicto Comiti Thau eboracum*. So Mr. Selden, in his Notes upon *Eadmerus*, pag. 159. Ego Eadgisa predicti Regis Ava hoc opus egregium Crucis Taumate consolidavi. See *Mon. 3 Tom. pag. 121*.

**Tauri liberi Libertas**: In some ancient Charters *Taurus liber* signifies a Common Bull, so called, because he is common to all the Tenants within such a Manor or Liberty, viz. *Cum libertate faldia, liberi Tauri & liberi Apri, &c.*

**Taurus** Signifies a Husband. In *Leg. H. 1. cap. 77*. Videtur autem matris est (for esse) cujuscunque Taurus alluserit.

**Tax** (*Taxa*, from the Gr. *τάξις* Quod non solum ordinem, sed & modum ratione temperaturum significat, atque ob id etiam taxationem & tributum unde *τάξις* dicuntur, qui tributum imponunt). It was such a Tribute as being certainly rated upon

every Town, was wont to be yearly paid, but now not without Consent in Parliament, as Subsidies are. It differs from a Subsidy in this, that is always certain, as it is set down in the Exchequer Book, and levied in general of every Town, and not particularly of every Man. It is also called a *Fifteenth*, Anno 14 E. 3. stat. 1. cap. 20. and 9 H. 4. cap. 7. It seems that in ancient Time, this Tax was imposed by the King at his Pleasure, but Edward the First, bound himself and his Successors, from that Time forward, not to levy it but by Consent of the Realm. Anno 25 Edw. 1. cap. 5. See *Gild, Subsidy, Fifteenth*, and *Witerden*, and also *Camb. Brit. pag. 304*.

**Taxatio Bladozum**, An Imposition laid upon Corn.

**Taxam operarius**, A Tasker, *Triturator ad taxam*, a Thresher in the Barn, who works by the Great, or by the Measure, not by the Day. — Et in solutis Johanni Leseby tritुरanti ad taxam xlo. quarteria frumenti, ut patet per talliam hoc anno, capiendo pro quolibet quarterio iii. den. ob. *Paroch. Antiq. p. 576*.

**Taxatio Norwicensis**, The Valuation of Ecclesiastical Benefices made through every Diocese in England, on Occasion of the Pope's granting to the King the Tenth of all Spirituals for Three Years. Which Taxation was made by *Walter Bishop of Norwich*, delegated by the Pope to this Office in 38 Hen. 3. and obtained till the 19th of Edw. 1. when a new Taxation advancing the Value, was made by the Bishops of *Winchester* and *Lincoln*.

**Taxers**, Two Officers yearly chosen in *Cambridge*, to see the true Gage of all Weights and Measures: The Name took Beginning from taxing or rating the Rents of Houses, which was anciently the Duty of their Office.

**Tea** Is a Kind of potable Liquor lately used in England, and introduced from China and the East Indies, being made of the Leaf of a Shrub growing in those Parts. See 12 Car. 2. cap. 15.

**Teagh** Is a Saxon Word, and signifies a Chest, for *Teagh, Sax. est marsupium seu clausura*.

**Team** and *Theame*, or *Tem* and *Theme*, (from the Sax. *Tyman*, i. e. *Propagare*, to *Teem* or bring forth) Signifies a Royalty granted by the King's Charter to the Lord of a Manor, for the having, restraining and judging Bondmen, Neifs and Villains, with their Children, Goods and Chattels in his Court. *Tyman* in Sax. signifies also Advocate.

**Theme** est, quod habeatis totam generationem villanorum vestrorum, cum eorum Sectis & catallis ubicunque inventi fuerint in Anglia. — Qui autem jurisdictionem habent hujusmodi, curiam de Theme, i. e. De natiuis vel servis, dicuntur habere, in qua olim licuit inter ceteros cognoscere de statu vassalli sui, utrum liber esset an servus. Anonymous in MS. *Theame* (says the learned *Spelman* in the Laws of Edw. Conf. cap. 21 & 25.) significare videtur jurisdictionem cognoscendi in Curia sua de advocacionibus, sive intertatis, hoc est, de vocatis ad Warrantiam. See *Glanville, lib. 5. cap. 2*. And *Glossarium in x. Scriptores*.

**Them**, i. e. Quod Prior habet totam generationem Villanorum suorum, cum eorum secta & catallis ubicunque in Anglia inventi fuerint. Ex *Registro Priorat' de Cokesford*.

**Techis**



**Tethis** for **Thetis**, *Simeon Dunelm. Anno 1144.*  
**Teding-penny**, *Tething-penny, Thirding-penny,*  
*Tithing-penny*, A small Tax or Allowance to the  
 Sherif from each Tithing, toward the Charge of  
 keeping Courts, &c. from which Duty some of  
 the Religious were exempted by express Charter  
 from the King. As *Hen. 1. to the Abby. of*  
*Reading. Abbas & Monachi de Radinge habeant om-*  
*nia tenementa sua quæta de tributis & lestagiis de*  
*tedinpeni & tinpeni, de summonitibus, de assis, &c.*  
*Cartular. Abbat. Reading. MS. f. 2. a.*

**Teinland**, *Teinlanda, Tainland or Thainland*, as  
 if we should say, the Land of a Thaine or Noble  
 Person. *Breve Regis Willielmi Junioris, lib. Rames-*  
*seth. 178. Willielmus Rex Anglie, W. de Caba-*  
*niis salutem; Præcipio tibi ut facias convenire sibi*  
*de Hamtona, & iudicio ejus cognosce si terra de lshani*  
*reddidit firmam Monachis sancti Benedicti tempore Pa-*  
*tris mei; Et si ita invent. fuerit, sit in Dominio Ab-*  
*batis. Si vero Teinlanda tunc fuisse invenietur, qui*  
*eam tenet de Abbate, teneat & recognoscat; quod si no-*  
*luerit, eam Abbas in Dominio habeat, & vide ne cla-*  
*mor inde amplius ad nos redeat. Teste W. Episc.*  
*Dunelm.* Where *Teinlanda* seems to signify *Ter-*  
*ra Hereditaria & colonorum servituti obnoxia.* Ac-  
 cording to *Domesday*, Land holden by Knight's  
 Service was called *Tainland*, and holden in Socage,  
*Reveland. Co. on Litt. feth. 117.*

**Teirs** Is the Third Part of a Pipe, viz. Forty-  
 Two Gallons. See *Tierce*.

**Teller** Is an Officer of the Exchequer, of  
 which there are Four; whose Office is to receive  
 all Monies due to the King, and to give the  
 Clerk of the *Pell* a Bill to charge him therewith.  
 They also pay to all Persons any Money payable  
 by the King, by Warrant from the Auditor of the  
 Receipt, and make weekly and yearly Books, both  
 of their Receipts and Payments, which they de-  
 liver to the Lord Treasurer.

**Telligraphæ** Are written Evidences of Things  
 past: It is compounded, from the Sax. *Tellan,*  
*dicere*, and from the Greek *γραφω, scribo, quasi a*  
*Telling any Thing by Writing: Tamen servantur*  
*libri primordiales cum aliis telligraphis.*

**Telonium.** See *Thelonium*.

**Telonium**, A Toll-Booth. *Cuthbertus Tonstall*  
*Telonium Anglice, the Toll-Booth, in foro Dunel-*  
*mensi construxit. Hist. Dunelm. apud Whartoni*  
*Angl. Sacr. P. 1. pag. 783.*

**Telwoc** Is that Work or Labour which the  
 Tenant was bound to do for his Lord for a cer-  
 tain Number of Days: From the Sax. *Tellan,* *nu-*  
*merare, and worc, opus:* It is mentioned in *Thorn,*  
*Anno 1364. Et debet qualibet sowinga arare 6*  
*acras de Telwoc, & 2 acras de swodleybon & præ-*  
*dictus 6 acras seminare.*

**Tementale** or **Tenmentale**, A Tax of Two  
 Shillings upon every Plough-land. — *Anno*  
*1193. primo die Aprilis prædictus Rex Anglie (i. e.*  
*Ricardus) celebravit tertium diem colloquii sui (videl.*  
*in Concilio apud Nottingham) in quo constituit sibi dari*  
*de unaquaque carucata terra totius Anglie duos solidos,*  
*quod ab antiquis nominatur Tementale. Hoveden,*  
*Hist. f. 419. See Tenmentale.*

**Temperate**, To come betimes, or to do a  
 Thing in due Time. *Addit. ad Matt. Paris. pag.*  
*168. viz. Illud mane sic temperatur ut nulli sit one-*  
*rosus, sed ad assumentum omnium infirmorum, &c.*

**Templers**, or **Knights of the Temple**, (*Tem-*  
*plarum*) Was a religious Order of Knighthood; in-  
 stituted about the Year 1119. and so called, be-  
 cause they dwelt in Part of the Buildings belong-

ing to the Temple at Jerusalem, and not far from  
 the Sepulchre of our Lord: They entertained  
 Christian Strangers and Pilgrims charitably, and  
 in their Armor led them through the Holy Land,  
 to view the sacred Monuments of Christianity,  
 without Fear of Infidels; for at first their Pro-  
 fession was to defend Travellers from Highway-  
 men and Robbers. This Order continuing and  
 increasing for near Two Hundred Years, was far  
 spread in Christendom, and particularly here in  
 England. But at length some of them at Jerusa-  
 lem, falling away (as some Authors report) to  
 the Saracens, from Christianity, or rather because  
 they grew too potent and rich, the whole Order  
 was suppressed by *Clemens Quintus, Anno 1307.*  
 by the Council of Vienna 1312. and their Sub-  
 stance given partly to the Knights of St. John  
 of Jerusalem, and partly to other Religious.  
*Cassan. de gloria mundi, par. 9. Confid. 3.* And see  
*Anno 1 Edw. 1. cap. 24.* These flourished here  
 in England from Henry the Second's Days, till  
 they were suppressed. They had in every Na-  
 tion a particular Governor, whom *Bracton, lib. 1.*  
*cap. 10. calls Magistrum Militie Templi.* The Ma-  
 ster of the Temple here was summoned to Parlia-  
 ment, *49 Hen. 3. m. 11. in Schedula.* And the  
 chief Minister of the Temple Church in London, is  
 still called *Master of the Temple.* Of these Knights  
 read Mr. Dugdale's *Antiquities of Warwickshire, fol.*  
*106.* In ancient Records, they were also called  
*Fratres Militie Templi Solomonis. Mon. Angl. 2*  
*par. fol. 554. b.* About Nine Years after their  
 Institution, they were ordered by a Council held  
 at Triers, to wear a white Garment, and after-  
 wards in the Pontificate of Pope *Eugenius*, they  
 wore a Red Cross on their Garments.

The Temples which we now call the Inns of  
 Court, was the Place where they dwelt, and  
 in the Middle Temple the King's Treasure was  
 kept.

**Temporalities** of Bishops, *Temporalia Episcopo-*  
*rum*, Be such Revenues, Lands, and Tenements,  
 and Lay-tees, as have been laid to Bishops Sees,  
 by Kings and other great Personages of this  
 Land, from Time to Time, as they are Barons,  
 and Lords of the Parliament. See *Spiritualities* of  
 Bishops. From the 31 E. 1. to the Time of the Re-  
 formation, a Custom did obtain, that when Bi-  
 shops received from the King their *Temporalities*,  
 they did by a solemn Form in Writing renounce  
 all Right to the said *Temporalities* by Virtue of  
 any Papal Provision, and acknowledged the Re-  
 ceipt of them only owing to the King's Bounty.  
 This Practice began on the Occasion of a Bull  
 of Pope Gregory 8. which conferred the See of  
 Worcester upon William de Gainsborough, and com-  
 mitted to him *Administrationem Spiritualium &*  
*Temporalium Episcopatus prædicti.* — Which  
 Clause the King obliged him to renounce, and  
 ordered a like Renunciation to be always ob-  
 served.

**Temptatio**, *Reffius tentatio*, Assay or Trial,  
*Temptatio panis fiat bis in anno. Cart. 20 E. 1.*  
*n. 51.*

**Tempus Pessonis** vel **Pessonæ**, Mast-time,  
 — *Volo etiam quod omnes Burghenses mei, qui porcos*  
*habuerint tempore Pessonis in — &c. Charta*  
*Hamonis de Massy, sine dat. See Pessona, which*  
*I take to be from Michaelmas to St. Martin's Day,*  
*Novemb. 11. After it was called Retropannag-*  
*ium.*

*Tempus pinguedinis & firmationis. Et sciendum quod tempus pinguedinis his computatur inter festum beati Petri ad Vincula & Exaltationem Sancte Crucis, & tempus firmationis inter festum sancti Martini & Purificationem Beate Marie.* The first is the Season of the Buck, the latter of the Doe. See *Firmifona*.

*Tena* Was that which we now call a Coif: It is mentioned in a Council held at Lambeth, Anno 1281. cap. 22. *Et cum corona sit Character Christiane militie, & revelati cordis ac patuli radii celestibus insigne, ipsi ut veraciter ostendant se hujus Characteris titulum erubescere, tena coronas abscondunt quasi caelestes radios repellentes, &c.*

*Tenancius* (Anno 23 Eliz. cap. 4.) Are Houses for Habitation, Tenements or Places to live in, held of another.

**E**dwardus illustrius Regis Anglia primogenitus omnibus, &c. Salutem & amorem. Sciatis quod dedimus & assignavimus in Tenenciam dilecto & fidei nostro Yooni Pauntun omnes terras cum suis juribus & pertin. que fuerunt Hugonis Bedelli inimici nostri in Villa de Alsbele. Tenendas ad nostra beneplacitum voluntatis, nisi aliquis qui nobiscum personaliter interfuit in conflictu apud Evesham, quarto die Augusti, manus prius posuerit ad eandem. Et ideo vobis mandamus, &c. Dat. Cestrie 14 Augusti, Anno Regni Domini Regis Patriis nostri 49.

*Tenandrius*, The same with *Tenens*. Statut. Roberti Regis Scotiae, cap. 4. par. 3. Statutum est & ordinatum quod licet in posterum Dominus Rex de dicto Comitatu aut Dominio cum Tenandriis & libere tenentibus per chartam suam infeodaverit aliquem, &c.

*Tend* Seems to signify as much as to offer, shew forth or endeavour; as to *tend* the Estate of the Party of the Demandant. Old Nat. Brev. fol. 123. To *tend* an Averment. Britton, cap. 76. To *tend* to Traverse. Staundf. Prærog. fol. 16.

*Tender* May seem to come from the French *Tendre*, i. tener, delicatus, and used adjectively, signifies the same with us in English: But in a legal Sense it denotes as much as carefully to offer, or circumspectly to endeavour the Performance of any Thing belonging to us. As to *tender Rent* is to offer it at the Time and Place where and when it ought to be paid. To *tender his Law of Summons*. Kitchin, fol. 197. Is to offer himself ready to make his Law, whereby to prove that he was not summoned. See *Law*. See *Make*.

*Tending Penny*. See *Tithing Penny*.

*Tenement*, *Tenementum*, Signifies most properly a House or Home-stall; but more largely either for a House or Land that a Man holdeth of another, and joined with the Adjective *Frank*, it contains Lands, Houses, and Offices, wherein we have Estate for Term of Life or in Fee: And in this Sense, Kitchin, fol. 41. makes *Frank-tenement* and *base Estate* opposite to each other. In the same Sort Britton uses it, cap. 27: as also Bracton doth the Latin *liberum tenementum*, lib. 1. cap. 5 & 6.

*Tenementalis* (or *Terra exterior*) Is Land which was possessed by the Tenant, and distinguished by that Name from the Demesne Land of the Lord which was *Inland*, or *Terra interior*. See *Inland*.

*Tenementary Land*, The Saxon *Thanes* who possessed *Bockland*, or hereditary free Estates, divided them into Two Sorts, *Inland* and *Outland*. The *Inland* was the Demains which the Lord kept in his own Hands. The *Outland* was granted out to Tenants under arbitrary Rents and Services, and therefore called *Tenementary Land*, the *Tenants Land*, or the *Tenancy*. See *Spelman of Feuds*, cap. 6, 7.

*Tenementis Legatis* Is a Writ that lies to London, or any other Corporation, (where the Custom is, that Men may demise *Tenements* as well as Goods and Chattels by their last Will,) for the Hearing any Controversy touching the same, and for rectifying the Wrong. Reg. Orig. fol. 244.

*Tenant* or *Tenant*, *Tenens*, From the Latin *Tenere*, to hold, signifies one that holds or possesses Lands or Tenements by any Kind of Right, either in Fee, for Life, Years, or at Will. The Word in Law is used with divers Additions, as *Tenant in Dower*, which is she that possesses Land by Virtue of her Dower. Kitchin, fol. 160. *Tenant per Statute-Merchant*, that holds Land by Virtue of a Statute forfeited to him. Ibid. fol. 172. *Tenant in Frank-Marriage*. Ibid. fol. 158. He that holds Lands or Tenements by Virtue of a Gift thereof made to him upon Marriage between him and his Wife. *Tenant by the Curtesy*, Id. f. 195. That holds for his Life, by Reason of a Child begotten by him of his Wife, being an Inheritor, and born alive. *Tenant by Elegit*, that holds by Virtue of the Writ called an *Elegit*. *Tenant in Mortgage*, that holds by Means of a Mortgage. *Tenant by the Verge* in antient Demesne (Id. fol. 81.) is he that is admitted by the Rod in the Court of antient Demesne. *Tenant by Copy of Court-Roll* is one admitted *Tenant* of any Lands, &c. within a Manor, which Time out of Mind have been demisable, according to the Custom of the Manor. West. Symbol. part 1. lib. 2. sect. 646. *Tenant by Charter* is he that holdeth by Feoffment in Writing, or other Deed. Kitchin, fol. 57. There was also *Tenant by Knights-Service*, *Tenant in Burgage*, *Tenant in Socage*, *Tenant in Frank-fee*, *Tenant in Villenage*. So is there *Tenant in Fee-simple*. Kitchin, fol. 150. *Tenant in Fee tail*. Id. fol. 153. *Tenant at the Will of the Lord*, according to the Custom of the Manor, Id. fol. 132, & 165. *Tenant at Will by the Common Law*, Ibid. *Tenant upon Sufferance*, Ibid. *Tenant of Estate of Inheritance*. Staundf. Prærog. fol. 6. *Tenant in Chief*, that holdeth of the King in Right of his Crown. F. N. B. fol. 5. *Tenant of the King* is he that holds of the Person of the King, Ibid. or as some Honour. Ibid. *Very Tenant*, that holds immediately of his Lord. Kitchin, fol. 99. For if there be Lord, Mesne and Tenant, the Tenant is *very Tenant* of the Mesne, but not to the Lord above: *Tenant Peravail*. See *Peravail*. Pl. Cor. 197. and F. N. B. fol. 136. See *Dyer's Com.* fol. 25. num. 156. So there are also *Joint-tenants*, that have equal Right in Lands and Tenements by Virtue of one Title. Lit. lib. 3. cap. 3. *Tenants in Common*, that have equal Right, but hold by divers Titles, Ibid. cap. 4. *Particular Tenant*. Staundf. Prærog. fol. 13. that holds only for his Term. See *Coke* in *Sir Will. Pelham's Case*, lib. 1. fol. 15. called *Term for Life or Years*. See *Plowd. Cotbirt's Case*, fol. 23. *Sole Tenant*. Kitchin, fol. 134. He that hath no other joined with him. *Several Tenant* is opposite to

to Joint-tenant, or Tenants in Common. *Tenant al Præcipe* is he against whom the Writ *Præcipe* is to be brought. *Co. Rep. lib. 3. Case of Fines, fol. 88.* *Tenant in Demesne*, 13 E. 1. cap. 9. 32 H. 8. cap. 37. is he that holdeth the Demesne of a Manor for a Rent without Service. *Tenant on Service*, 20 Edw. 1. stat. 1. is he that holdeth by Service. Vide *Britton, cap. 79. in principio & cap. 96. Car fealty, &c. Tenant by Execution*, 32 H. 8. cap. 5. that holds Land by Virtue of an Execution upon any Statute, Recognizance, &c. with divers others.

*Tenenarius in Massa non onerandis, &c.* Is a Writ that lies for him to whom a Disseisor hath alienated the Land, whereof he disseised another; that he be not molested for the Damages awarded, if the Disseisor have wherewith to satisfy them himself. *Reg. of Writs, fol. 214. b.*

*Tenerura* For *Tenura*, sometimes it is taken for *Tenementum*.

*Tenheved*, A Saxon Word signifying *Decanus*, *Caput vel Princeps decurie*. Leg. Edw. Conf. cap. 29. *Statuerunt Jusficiarios super quosq; decem friborgos, quos Decanos possumus appellare, Anglice vero Tienheofod di ti sunt.* See *Frank-pledge*.

*Tennis*, Tennis-Play. *Rex Henricus 5. villam de Hareflete terra mariq; obsidione circumdans immensis petrarum molibus ultra muros per Machinas bellicas introjectis, quasi ludendo cum Francigenis, ut vulgo dicitur ad Tennis, ipsos acriter impugnabat.* Hist. Croyland Contin. p. 500.

*Tenmantale* (Sax. *Tienmantale*, i. e. *decemviro-rum numerus*) *Decuria*, *Tisbinga*. LL. Edw. Conf. cap. 20. — *Et sint quieti de Geldis, & Dane-geldis, & Themanatale, & Concelationibus, & Scot-tis, &c.* Chart. 29 Ed. 1. p. 25. *Abbat. de Thorn-ton.* Also an ancient Tax so called. See *Tenmen-tale*, and *Friburg*.

The proper Signification of the Word is, viz. The Number of Ten Men, which Number, in the Time of the English Saxons, was called a Decennary, and Ten Decennaries made that which we call an Hundred: The Ten Men were bound for each other to preserve the publick Peace, and if either of them was guilty of a Breach of the Peace, the other Nine were to make Satisfaction or to bring the Criminal to Justice. See *Friburg*.

It signifies also a Duty or Tribute payable to the King. *Hoveden* mentions it in this Sense, pag. 137. viz. *Rex constituit sibi dari de unaquaque car-vucata terra totius Anglia 2 solidos, quod ab antiquo vocatur Tenmantale*, probably because every Man of the Decennary was bound to see it paid.

*Tenore indicamenti mittendo* Is a Writ where-by the Record of an Indictment, and the Process thereupon is called out of another Court into the Chancery. *Reg. of Writs, fol. 69. a.*

The Tenor of these presents, *Tenore presentium*, Is the Matter contained therein, or rather the true Intent and Meaning thereof, as to do such a Thing according to the Tenor of a Writing, is to do the same according to the true Intent and Meaning thereof.

*Tensare*, To teen, to fence or hedge in — *Licet Abbati & Conventui de Rading includere, fossa-re, & tensare prædictum pratum quibuscunq; modis melius viderint.* Cartular. Radinges, MS. f. 102. *Terra tensabilis*, i. e. Land fenced about. It is mentioned in the *Monastic. 2 Tom. pag. 612.* viz. *Claudemus 40 Acres terra ad excolendum vel ad tensandum ad libitum nostrum, i. e. let us enclose*

40 Acres, either to plough, or to keep it inclosed or fenced. So in the Book of the Priory of Dunstable, *Est pratum illud tensabile per totum annum.*

*Tentates panis*, The Essay of Bread.

*Tenths*, *Decima*, Arc that yearly Portion or Tribute which all Ecclesiastical Livings pay to the King; for though the Bishop of Rome does originally pretend Right to this Revenue, by the Example of the High Priest among the Jews, who had *Tenths* from the Levites, *Numb. cap. 8. Hierom. in Ezech.* Yet we read in our Chronicles, That these were often granted to the King by the Pope upon divers Occasions. Sometimes for one Year, sometimes for more, till by the Statute 26 H. 8. cap. 3. they were annexed perpetually to the Crown. See *Dismes*. It signifies a Tax also levied of the Temporality. 4 Inst. fol. 34. First-Fruits and *Tenths* were first on Occasion given, and gradually by Custom claimed, as an Acknowledgment to the See of Rome. The *Tenths* of all Ecclesiastical Benefices in England were first allowed by Pope Innocent IV. to King Hen. 3. Anno 1253. for Three Years; which occasioned the *Norwich Taxation*, Anno 1254. This proved a great Oppression to the Clergy, and was soon made more grievous. For when the Pope had again granted the *Tenths* to the King for Three Years; for a Compensation of what they fell short of the expected Value, the King in the 53d Year of his Reign, Anno 1269. made the Clergy pay within those Three the *Tenths* of Four Years. And again, Anno 1288. 16 Ed. 1. when Pope Nicholas IV. granted this Favour to the Crown for Six Years, towards an Expedition to the Holy Land; that they might be then collected to the full Value, a new Taxation by the King's Precept was begun Anno 1288. and finished Anno 1291. 20 Ed. 1. by the Bishops of Lincoln and Winchester. For a particular Account whereof, see Mr. Kennet's *Paroch. Antiq. p. 315.*

*Tento*, A Stretcher, Tryer or Prover, which Dyers and Clothiers use. Anno 1 R. 3. cap. 8. but prohibited by 39 Eliz. cap. 20.

*Tenure*, *Tenura*, And is properly derived from the Latin *tenere*, to hold, and accordingly in the *Grand Custumary of Normandy*, cap. 28. it is thus defined: *Tenure* is the Manner whereby Tenements are holden of their Lords. What may make a *Tenure*, and what not, see *Perkins*, cap. 10. *Reservations* 70. And in that Chapter you shall find the most of those *Tenures* recited that be now usually in England. See *Crompt. Jur. fol. 200. New Book of Entries*, verb. *Tenure*. Mr. *Fabian Philips's* Book entituled, *Tenenda non Tollenda*, and the Stat. 12 Car. 2. cap. 24. The Family of *Barnbams* hold the Manor of *Netber-Bilington* in the County of *Kent*, by this *Tenure*, to carry the last Dish of the Second Course to the King's Table at his Coronation, and presenting him with Three *Maple Cups*, which was performed at the Coronation of King Charles the Second. See *Capite*. In Scotland there be Four Manner of *Tenures*, the First is *pura Eleemosyna*, proper to spiritual Men, paying nothing for it but *devota Animarum suffragia*. The Second they call *Few* or *Few-ferme*, which holds of the King, Church, Barons, or others, paying a certain Duty called *Feuda firma*. The Third is a Hold in *Blench*, as they term it, by Payment of a Penny, a Rose, or such like Thing, if demanded in the Name of *Blench*, id est, nomine alba firme. The Fourth is by Service of Ward and

and Relief, where the Heir being Minor, is in the Custody of his Lord, &c. *Skene de verbor. signif. verb.* Haubert.

**Terletum**, — *Mandatum est Petro de Rivalis quod habere faciat Fratribus minoribus de Notingham quinque terleta in foresta de Shirewode ad stallia sua facienda de dono Regis.* Claus. 26 Hen. 3. m. 3.

**Term**, **Terminus**, Commonly signifies the Bounds and Limitation of Time, as a Lease for Term of Life or Years. *Bracton, lib. 2. cap. 6. num. 4.* But more notably it is used for that Time wherein the Tribunals, or Places for Judgment, are open to all that think fit to complain of Wrong, or seek their own by due Course of Law or Action; the rest of the Year is called *Vacation*. Of these Terms there be Four in every Year, during which Time Matters of Justice are dispatched. One is called *Hillary-Term*, *Terminus Sancti Hillarii*, which begins the 23d of January, or if that be Sunday, then the next Day after, and endeth the 12th of February following. The Second is *Terminus Pasche*, *Easter-Term*, which begins the Wednesday Fortnight after Easter-day, and ends the Monday next after Ascension-day. The Third is *Terminus Trinitatis*, *Trinity-Term*, beginning the Friday next after Trinity-Sunday, and ending the Wednesday Fortnight after. The Fourth is *Michaelmas-Term*, *Terminus Sancti Michaelis*, which antiently began the 9th of October; but by the Statute made 17 Car. 1. cap. 6. reduced to the 23d of October, unless it be Sunday, and then to the Day after, and ends the 28th of November following. *Termini apud nos dicuntur certa anni portiones agendis litibus designata.* See *Spelman, De origine & ratione terminorum fensum*.

**Termini censuales**, Rent Terms or Times, the Four quarterly Feasts upon which Rent was usually paid, — *Ego Johannes filius Magistri Ade de Lincoln de Sancto Edmundo — concessi Johanni Abbati de S. Edmundo viginti solidatas quieti redditus — ad terminos censuales — Ex Cartular. S. Edmundi, MS. f. 238.*

**Termonland** Seems to be the Glebe-land, or Land belonging to the Church, antiently so called, especially in Ireland.

**Termoz**, *Tenens ex termino*, Is he that holds for Term of Years or Life. *Kitchin, fol. 151. Littleton, fol. 100.*

**Terra**, It is to be observed, that in all the Surveys of Tenure in *Domesday Register*, the Word *Terra* is always taken for arable Land, and always so distinguished from the *Sylva*, *Pratum*, &c. See *Kennet's Glossary in Terra*.

**Terra affirmata**, Land let to Farm.

**Terra culta**, Land that is tilled, or manured; and *terra inculta*, the contrary, where there is Mention of *Terra culta*, and *Terra inculta*. See *Wacnotb. Mon. Angl. 1 par. f. 500. b.*

**Terra debilis**, Weak or barren Land. *Item est ibidem una carucata terræ debilis. Inq. 22 R. 2.*

**Terra dominica vel indominicata**, *Predicorum pars est, quæ usui ipsius domini reservata, non coloniis nec emphyteuticariis conceditur.* The demain Land of a Manor.

**Terra ercultabilis** — *Totam illam terram ex-cultabilem, quam habuit apud Norwicium in Campis.* Mon. Angl. 1 Par. fol. 426. b. Land that may be tilled or ploughed.

**Terra extendenda** Is a Writ directed to the Escheator, &c. willing him to enquire and find out the true yearly Value of any Land, &c. by the Oath of Twelve Men, and to certify the Extent into the Chancery, &c. *Reg. of Writs, fol. 293. b.*

**Terra frusca**. — *Continens xl acras terræ fruscæ, pasturæ, &c.* Mon. Angl. 2 Par. fol. 327. b. Fresh-land, or such as hath not been lately ploughed. This is elsewhere written *Terra Frisca*.

**Terra Gilliflowata**, Land held by the Tenure of paying a Gilliflower. *MS.*

**Terra hydata** was Land subject to the Payment of Hydrage, and the contrary was *terra non hydata*. *Selden.*

**Terra lucrabilis**. — *Tam in Mora, quam in terra lucrabili & Marais, cum omnibus piscariis suis.* Mon. Angl. 1 Par. fol. 406. a. Land that may be gained from the Sea, or inclosed out of a Waste, to a particular Use.

**Terra Normannorum**. In the Beginning of H. 3. such Land in England as had been lately held by some Noble Norman, who by adhering to the French King, or Dauphin, had forfeited his Estate in this Kingdom, which by this Means became an Escheat to the Crown, was called *Terra Normannorum*, and restored, or otherwise dispos'd at the King's Pleasure. — *An. H. 8. 3. Rex Vitecom. Oxon. Salutem. Scias quod commisimus Thomæ Bassett manerium de Kirtlington quæ est Terra Normannorum — Paroch. Antiquit. pag. 197.*

**Terra nova**, *Sape legitur in Cartis feodalibus & in censualibus schedulis, vel pro terra noviter concessa, vel noviter assarta.* Prior Lew. pag. 1. Reddat pro nova terra, 2 fol. Spelm.

**Terra puturata**. See *Putura*.

**Terra sabulosa**, Gravelly or sandy Ground: *Et prædicta 24 acra terræ valent per annum 13 sol. & 4. denar & non plus, quia est terra sabulosa. Inq. 10 E. 3. n. 3. Norf. in Turr. Lond.*

**Terra vestita** Is used in old Charters for Land sown with Corn.

**Terra Wainabilis** — *Sciant — quod ego Alicia Malet dedi — centum acras terræ Wainabilis, &c. Penes Eliam Ashmole Arm. Tillable Land.*

**Terra waretta**, Fallow Land. See *Ware-tum*.

**Terra Warennata**, Land that has the Liberty of Free Warren. — *Quod ipse concessisset terras illas esse Warennatas. Rot. Parl. 21 Ed. 1.*

**Terræ boscales**, Woody Lands. *Inq. 2 par. 8 Car. 1. numb. 71.*

**Terræ tertiorum** May be Englished Thirdling-Lands: Some Tenants *de terris tertiorum* belonging to the Commandry of *Dynmore* in *Com. Heref.* were bound to pay a Third Part of their Goods to their Lord at their Decease. *Antiq. Rentale de Dynmore.*

**Terræ testamentales**, Lands that were held free from feodal Services, in *Allodio*, in *Soccage*, descendible to all the Sons, and therefore called *Gavelkind*, were devisable by Will, and thereupon called *Terræ testamentales*, as the Thane who possessed them was said to be *testamento dignus*. *Vid. Sir Henry Spelman of Feuds, cap. 5.*

**Terrage**, **Terragium**. Edward the Third granted to John of Gaunt, and Blanch his Wife for their Lives, *Quod sint quieti de Theolonio, Passagio, Soccagio, Lastagio, Tallagio, Caruagio, Priscagio, Pickagio* &c.



**Terragio**, which seems to be an Exemption, a *Precariis*, viz. Boons of Ploughing, Reaping, &c. and perhaps from all Land-Taxes, or from Money paid for digging and breaking the Earth in Fairs and Markets.

**Terrar**, *Terrarium vel catalogus terrarum*, Is a Book or Roll, wherein the several Lands either of a single Person, or of a Town, are described, containing the Quantity of Acres, Boundaries, Tenants Names, and such like. 18 Eliz. cap. 17. In the Exchequer there is a *Terrar* of all the Gleebe-Lands in England made about 11 E. 3.

**Terrarius**, A Land-holder, or one who possesses many Farms. *Anno Regis W. 20. Rex tenuit Curiam suam apud Wintoniam ibique venerunt contra eum omnes Barones sui, & omnes Terrarii hujus Regni, qui alienius pretii erant, cujusque feodi fuissent, & omnes homines Regis effecti sunt, Anno 1084.* — *Rex Willielmus accepit dominium omnium terrariorum Anglie cujusque feodi essent, juramentum fidelitatis recipere non distulit. Annal. Waverliens.*

**Terrarius xenobialis**, An Officer in religious Houses, whose Duty perhaps was to keep a *Terrier* of all their Estates, or to have their Lands exactly surveyed and registred. — *Johannes de Nevil ad excitationem Richardi de Byrtley Terrarii, & Johannis de Cornval Ferretarii fecit circa Festum Nativitatis S. Johannis Baptiste novum opus in Ecclesia Dunelmensi, anno 1372. Hist. Dunelm. apud Whar-toni Angl. Sacr. P. 1. p. 769.* Mr. Davies in his *Rites and Monuments of Durham*, calls him the *Terrier*, and implies, That one Part of his Office was to entertain the better Sort of Guests: Possibly the Convent Tenants, when they came to pay their Rent, &c.

**Terris, bonis & catallis rehabendis post purgationem** Is a Writ that lies for a Clerk, to recover his Lands, Goods, or Chattels, formerly seised, after he hath cleared himself of that Felony, upon Suspicion whereof he was formerly convicted, and delivered to his Ordinary to be purged. *Reg. Orig. fol. 68.*

**Terris liberandis** Is a Writ that lies for a Man convicted by Attaint, to bring the Record and Process before the King, and to take a Fine for his Imprisonment, to deliver him his Lands and Tenements again, and to release him of the *Strip and Wast*. *Reg. Orig. f. 232.* It is also a Writ for the Delivery of Lands to the Heir after Homage and Relief performed. *Ibid. f. 293.* Or upon Security taken that he shall perform them. *Ibid. fol. 313.*

**Terre-tenant**, *Terra tenens*, Is he who has the actual Possession of the Land, which we otherwise call the *Occupation*. 39 Eliz. 7. For Example, a Lord of a Manor hath a Freeholder, who letteth out his Frechold to another to be occupied; this Occupier (having the actual Possession) is called the *Terre-tenant*. *West Symbol, part 2 Tit. Fines, sect. 137. Crompt. Fur. fol. 194. Britton, cap. 29. Perkin's Feoffments, 231.*

**Terris & catallis reutis ultra debitum levatum** Is a Writ Judicial, for the restoring of Lands or Goods to a Debtor that is distrained above the Quantity of the Debt. *Reg. Fud. f. 38.*

**Tesse** Is a certain Measure of liquid Things, as Wine, Oil, &c. containing the Sixth Part of a Tun, 32 Hen. 8. 14. or the Third Part of a Pipe.

**Tertian**, A Measure containing Fourscore and Four Gallons, mentioned in the Statutes 1 Ric. 3. cap. 13. 2 Hen. 6. cap. So called be-

cause it is the Third Part of a Tun. A *Tierce* of Wine.

**Tertium denarium**. See *Third Penny*.

**Tesis fluvius**, the River *Tese*.

**Tesso**, Lat. *Taxus*, *Tassus*. Ital. *Tasso*. German. *Taisson*, *Tesson*, a Grey, Brock, or Badger. — *Et omnia placita de leporibus, recibus, hyemidibus, tessonibus, vulpibus, &c. Blount of Tenures, pag. 19.*

**Testa de Nevil**, An ancient and authentick Record in the Custody of the King's Remembrancer in the Exchequer, said to be compiled by *Jollan de Nevil* a Justice Itinerant in the 18. and 24. of H. 3. containing an Account of all Lands held in grand or petty Serjeanty, with Fees and Escheats to the King, &c. especially within the County of Hereford. — See Mr. Nicholson's Engl. Library, P. 3. p. 103.

**Testament**, *Testamentum*, Is thus defined by Plowden, *Testamentum est testatio mentis*, A *Testament* is a Witness of the Mind: But *Aulus Gellius*, lib. 6. cap. 12. denies it to be a Compound Word, and saith, It is *Verbum simplex*, as *Calceamentum*, *Paludamentum*, &c. And therefore it may be thus better defined, *Testamentum est ultima voluntatis justa sententia, eo quod quis post mortem suam fieri vult, &c.* Of Testaments there are two Sorts, viz. a *Testament in Writing*, and a *Testament in Words*, which is called a *Nuncupative Testament*, which is, when a Man being sick, and for fear lest Death, want of Memory, or Speech, should come so suddenly upon him, that he should be prevented if he stay'd the Writing of his *Testament*, desires his Neighbours and Friends to bear Witness of his last Will, and then declares the same before them by Words, which after his Decease is proved by Witnesses, and put in Writing by the Ordinary, and then stands in as good Force as if it had at the first, in the Life of the Testator, been put in Writing, except only for Lands, which are devisable but by a *Testament* put in Writing in the Life of the Testator. See *Co. on Lit. lib. 2. cap. 10. sect. 167. Plowd. fol. 541. Paramore and Furdley's Case. Co. 6. Rep. Marquess of Winchester's Case.* *Testament* was anciently used (according to *Spelman*) *pro Scripto, Charta vel Instrumento, quo pradiorum rerumve aliarum transactiones perficiuntur, sic dictum quod de ea re vel testimonium ferret vel testium nomina contineret* — *Si quis contra hoc mea autoritatis testamentum aliquid machinari impedimentum presumpsit. Charta Croylandie ab Ethelbaldo Rege. Anno Domini 716.*

**Testator**, Lat. He that makes a Testament. See *Swinburne of Wills and Testaments*. See *Wills*. And especially see a Dissertation of the Probate of Wills or Testaments by the Learned Sir *Henry Spelman* among his late Remains, p. 127.

**Testatum** Is a Writ in personal Actions, as if the Defendant cannot be arrested upon a *Capias* in the County where the Action is laid, but is returned *Non est inventus* by the Sheriff; this Writ shall be sent out into any other County, where such Person is thought to have wherewith to satisfy: And this is termed a *Testatum*, because the Sheriff hath formerly testified, that the Defendant was not to be found in his Bailiwick. See *Kitch-en's Return of Writs, f. 287.*

**Tesse** Is a Word commonly used in the last Part of every Writ, wherein the Date is contained, which begins with these Words, *Tesse meipso*, &c. if it be an Original Writ; or if Judicial,

*Teste Roberto Raymond milite, or Roberto Eyre milite, according to the Court whence it issues. Yet we read in Glanville, lib. 1. ca. 6. & 13, and lib. 2. cap. 4. the last Clause of an Original Writ to be Teste Radulpho de Glanvilla apud Clarendon, &c. and divers Times in the Register of Writs, Teste Custode Anglie, as namely in the Title Prohibition, fol. 42. and Consultation, fol. 54.*

*Testimonial, 39 El. 17. Is a Certificate under the Hand of a Justice of Peace, testifying the Place and Time when and where a Soldier or Mariner landed, and the Place of his Dwelling and Birth, unto which he is to pass, or such like. 3 Inst. fol. 85.*

*Tetton, 2 & 3 E. 6. cap. 17. A Sort of Money, which, among the French, did bear the Value of 18 Denar. But in Henry the Eighth's Time being made of Brass, lightly gilt with Silver, it was reduced to 12 d. and in the Beginning of Edward the Sixth to 9 d. and afterwards to 6 d. For the Fabrication and Value of Testoons, vid. Lowndes's Essay upon Coins, p. 22.*

*Tertus Is mentioned in several Authors, to signify the New Testament. It was written in golden Letters, and carefully preserved in the Churches.*

*Codex aurato conscriptus grammate, scriptus, Auctus Evangelicum conservat corpore Textum.*

*Textus magni Altaris, — Die 28 Mart. Anno 11 Ed. 2. coram Judicibus apud S. Edmundum sedentibus Frater W. de Stouue Sacrifica protulit textum magni Altaris vocatum le Domelsday, in quo continebatur quod anno 24. Regis Patris Regis nunc, &c. Ex Cartular. S. Edmundi, MS. f. 174*

*Tertus Rossensis, An ancient Manuscript containing many of the Saxon Laws, and the Rights, Customs, Tenures, &c. of the Church of Rochester, drawn up by Ernnulph Bishop of that See from 1114 to 1124.*

*Thaccare, Among the customary Duties done by the inferior Tenants of the Manor of Chebe-hale, belonging to the Abbey and Conv. of St. Edmund in Suffolk — Cum cibo Domini ferculabit propter prandium uno die & thaccabit porcos, licet nullo porcos in bosca habeat, sic autem thaccabit Aule quemlibet quintum porcum, & si non habeat quinque porcos dabit ad pretium de porcis quintam partem — Cartular. S. Edmundi, MS. f. 401. See Tack.*

*Thacktile, 17 E. 4. 4. Otherwise called Plain-tiles which are laid on the Side of a House.*

*Thanage of the King. Thanagium Regis, Signified, a certain Part of the King's Land or Property, whereof the Ruler or Governor was called Thane. Domania Regis & Thanagia idem significant, says Skene. Ivo de Tailbois tenet in Capite de Domino Rege Baroniam de Hephall, cum uxore sua, quæ fuit filia Wil. de Prardolfe, quam habuit ex dono Domini Regis. Et omnes Antecessores sui tenuerunt dictam Baroniam in Thanagio, & reddit Domino Regi inde per annum, 50s. Dominus vero Rex primus, viz. Will. Conq. removit illud Thanagium temp. Will. Bardolfe ad feudum unius militis, Ex libro feod. Mil. penes Remem. Regis in Scac.*

*Thane: From the Sax Thenian, ministrare: Thanes were those who attended the English Saxon Kings in their Courts, and who held their Lands immediately of those Kings, and therefore in Domelsday, they were promiscuously called Thaini & Servientes Regis, though not long after the*

*Conquest the Word was disused, and instead thereof, those Men were called Barones Regis, who as to their Dignity, were inferior to Earls, and took Place next after Bishops, Abbots, Barons and Knights.*

*There were also Thaini minores, and those were likewise called Barons: They were Lords of Manors, and had a particular Jurisdiction within their Limits, and over their own Tenants in their Courts, which to this Day are called Courts-Baron: But the Word signifies sometimes a Nobleman, sometimes a Freeman, sometime a Magistrate but more properly an Officer or Minister of the King. Edward King grete mine Bisceops, and mine Eorles, and all mine Thegnes on than Shiren, wher mine Prestes in Paulus Minister habband land. Charta. Ed. Conf. Pat. 18 H. 6. m. 9. per Inspect. Lamb. in his Exposition of Saxon Words, verb. Thannus. And Skene de verb. signif. saith, That it is a Name of Dignity, equal with the Son of an Earl. This Appellation was in Use among us after the Norman Conquest, as appears by Domelsday, and by a certain Writ of William the First: Willielmus Rex salutat Hermannum Episcopum, & Stewinum, & Britewi, & omnes thanos meos in Dorsetrensi pago amicaliter, MS. de Abbatsbury. Camden says, They were enabled only by the Office which they administered. Thainus Regis is taken for a Baron. 1 Inst. fol. 5. 1. And in Domelsday Tenens, qui est Caput manerii. See Mills, de Nobilitate, fol. 132.*

*The Saxon Thane was so called from Thenian, Service; and in Latin Minister a Ministrando. So that a Thane at first (in like manner as an Earl) was not properly a Title of Dignity, but of Service. But according to the Degrees of Service, some of greater Estimation, some of less: So those that served the King in Places of Eminency, either in Court or Commonwealth, were called Thani Majores and Thani Regis. Those that served under them as they did under the King, were called Thani minores, or the lesser Thanes. Vid. Spelman of Feuds, cap. 7.*

*Thane-Lands, Such Lands as were granted by Charters of the Saxon Kings to their Thanes with all Immunities, except the Threefold Necessity of Expedition, Repair of Castles, and mending of Bridges.*

*Thalcia Was a certain Sum of tributary Money, imposed by the Romans on the Britons and their Lands, and paid every Year; which Payment continued under the several Reigns of the Saxon, Danish and Norman Kings; for the Word is mentioned in the Laws of H. 1. c. 78. Dedit unam medietatem de terra culta & inculta Deo & S. Maria cum Thalcia & decimo, &c.*

*Thassare, Tassare, To lay up Hay or Corn into a Tass, Toss, Stack, Rick, or Mow. Lat. Tassa, Tassus, Tassius. Sax. Tas. — Homines de Hedgingdon qui caretas non habuerint, venient cum furcis suis ad dictum fœnum levandum & thassandum — Qui caretas non habuerint adjuvabunt ad thassandum bladum — Pro victualibus emptis pro factioribus tassiorum Prioris 12. — Paroch. Antiq. pag. 550.*

*Theebo-onis, Sax. these, thesan, a young Plant or Set, a Standard, and sometimes any Branch or Bough, or Arm of a Tree. — Venerunt omnes predicti homines in eundem mariscum, & prostraverunt & extirpaverunt centum & 33. theevoones, & alios asportaverunt sine licentia ipsius Abbatis & contra pacem Domini Regis. Chartular. Abbat. Glaston. MS. fol. 44. b.*

**Theft, Furtum**, Is an unlawful felonious taking away of another Man's moveable and personal Goods against the Owner's Will, with an Intent to steal them; and this is divided into *Theft* simply so called, and *Petit Theft*, whereof the one is of Goods above the Value of Twelve-Pence, and is Felony: The other under that Value and is no Felony, but called *Petit Larceny*. See *Larceny* and *Felony*. *Theft* from the Person, or in the Presence of the Owner, is properly called *Robbery*. *West Symbol. Part 2. Tit. Inditements, sect. 58, 59, 60.*

**Theftbote** May be derived from the Saxon *Theof*, i. *furtum*, a *Bote*, i. *compensatio*, and signifies properly the receiving of Goods from a Thief, to favour and maintain him, *Est quant homo prist Chatell de Larons de luy favourer & mainteyner & nemy autrement, 42. Ass. pag. 2.* And the Punishment thereof is Ransom and Imprisonment, and not Loss of Life and Member. *Staundf. Pl. Cor. lib. 1. cap. 43. and the Mirror of Juslices, lib. cap. Des Perches criminals al suit le Roy. Antiqua dicebatur pretium quo furti reus se eximeret a dispendio vite; hodie vero de iis dicitur qui furtiva bona a latrone susceperint, scelus sui fovendi gratia, quo sensu Bote pro preda, ut alias solet, intelligendum est. In privilegiorum chartis ubi Theftbote conceditur, intelligitur alias esse emenda furti sine consideratione Curie Domini Regis. Theftbote (inquit statutum Wallie Anno 12 Ed. 1. — Hoc est, emenda furti sine consideratione Curie Domini Regis. Spelm. And see 3 Inst. f. 134.*

**Thegne**. See *Thanus* and *Thingus*.

**Thelonium**, or *Breve essendi quieti de thelonio*, Is a Writ lying for the Citizens of any City, or Burghesses of any Town, that have a Charter or Prescription to free them from Toll, against the Officers of any Town or Market, who would constrain them to pay Toll of their Merchandise contrary to their said Grant or Prescription. *F. N. B. fol. 226.*

**Thelonmannus**, The Toll-Man or Officer who received the Toll. — *Proponebant quod ipsi catalla damnatorum de omnibus feudis Abbatis habere debent, & incontinentiter seiscire, licet hoc non possunt ex tenore cartarum suarum, cum Abbates ipsi ea semper habuerint in manibus sui Thelonmanni, de pretio quorum Ballivis Regis responderint in adventu Jusficiariorum. Chartular. Abbat. Glaston. MS. fol. 446.*

**Thelonio rationabili habendo pro Dominis habitibus Dominica Regis ad firmam**, Is a Writ that lies for him that hath of the King's Demesne in Fee-Farm, to recover reasonable Toll of the King's Tenants there, if his Demesne have been accustomed to be Trolled. *Reg. Orig. fol. 87.*

**Themmagium**, A Duty or Acknowledgment paid by inferior Tenants in respect of *Theme* or *Team* — *Infra metas predicti manerii nullum themmagium exigatur vel capiatur de cetero de predicto Abbate & successoribus suis, vel hominibus eorundem, per quoscunque ballivos vel Forestarios predicti Comitatus vel heredum suorum. — Chartular. Abbat. Glaston. MS. f. 88. a.*

**Them**. See *Teame*.

**Then** Significat servum. *Fleta, lib. 1. cap. 47.*

**Thenecium**, *Quod Predicti Parochiani — Decimas inferius annotatas Ecclesiis suis persolvant, scilicet, Decimas lactis, ovorum, thenecii agrorum, apum, mellis, &c. Const. Rob. Winchelsey Archiep. Cant. Tit. de Decimis. Ibi Lindwode thenecii agrorum, i. Arborum crescentium circa agros pro clausura*

*eorum, vulgarly called Hedge rowes, or Dike-rowes.*

**Theoden**, In the Degrees or Distinctions of Persons among the Saxons, the Earl or prime Lord was called *Thane*, and the King's *Thane*; and the Husbandman or inferior Tenant was called *Theoden*, or *Under Thane*. See *Thane*.

**Theowes**, The Bondmen among our Saxons were called *Theowes* and *Esnes*, who were not counted Members of the Commonwealth, but Parcels of their Masters Goods and Substance. *Spelman of Feuds, cap. 5.*

**Thesaurus**, The Word was sometimes taken for *Thesaurarium*, the *Treasury*. As in a Charter of Queen Maud, Wife of Hen. 1. to testify that the Manor of *Levechenor* (now *Leuknor*) was a Hundred of it self, and did not belong to the Hundred of *Peritune*, (now *Pirton*) in *Oxfordshire* — *Sciatis quod Eritius Abbas de Abbenodona in curia Domini mei & mea apud Wintoniam in Thesauro ante Rogerum Episcopum — distravit quod Levechenora manerium suum nihil omnino debet in hundredo de Peritona facere — in thesauro, i. e. in the Treasury or Exchequer which was then kept in Winchester-Castle. And hence the Domesday Register preserved in that Place was called often *Liber thesauri*.*

**Thesindus**, the same with *Thainus*.

**Thetford**. See *Sitomagus*.

**Thetlinga**, A Tiching. *Thethingmannus*, a Tiching-Man. *Vid. Tiching* and *Tiching-men*.

**Thetu**, *Georgius Grey comes Cantii clamat in Manner. de Bushon & Ayton punire delinquentes contra Asssam panis & cervisia per tres vices per amerciamenta & quarta vice pistores per Pilloriam, Braciatores per tumbrellam, & rixatrices per Thewe, hoc est, ponere eas super scabellum vocat. a Cucking-Stool. Pl. in Itin. apud. Cestr. 14 H. 7. Perhaps from the Sax. *Theow*, a Slave or Captive. The Word is also mentioned in *Charva 17 Edw. 3. m. 6.**

**Thetyn** Signifies a Freeholder, as *Thet* signifies a Servant. *Fleta, 1 Lib. c. 47. par. 26.*

**Thingus**, (*Thanus*) A Nobleman, a Knight, or Freeman; *Sciatis me concessisse omnibus militibus & omnibus thingis & omnibus libere tenentibus, qui manent in Foresta mea de Honore de Lancaster quod possunt, &c. Crompt. Jur. fol. 197.*

**Thurbozow** Is used for a Constable, *Anno 28 H. 8. c. 10.* And *Lambard's Duty of Constables, p. 6.* and seems to be corruptly used for the Saxon *Freoborog*, *ingenuus fidejussor*. Howbeit a late Author says, it signifies (more literally) *tertium ordine ex decuria fidejussorem*. *Skinner.*

**Thirdings**, The Third Part of the Corn or Grain growing on the Ground at the Tenant's Death, due to the Lord for a Heriot within a certain Manor, and Lands belonging to the Manor of *Tursat* in the County of *Heresford*.

**Third Night awn-hinde**, *Trium noctium Hospes* By the Laws of *St. Edward*, (*cap. De Hospitibus*) If any Guest lay a *Third Night* in an Inn, he was accounted a *Domestick*, and his Host was answerable for what Offence he should commit. *Forman night uncuth, Twa night Guesse, Third night awn-hinde*, that is, the first Night a Stranger, the second Night a Guest, the third Night a *Domestick*. *Bract. lib. 3. tract. 2. c. 10. num. 2. writes Hogenbine for Agenbine.*

*Item utitur quod si extranei morantur in Burgo predicto ultra tres dies inveniunt fidejussores de bene gerendo*

do se erga Burgenſes & communitatem dum moram inter ipſos fecerint. MS. Codex de L. Statut. & Conſuetud. liberi Burgi Villæ Moungom. fol. 26. See *Uncuth*.

**Third-Penny**, *Denarius tertius* eſt ea pars mul-  
tarum forenſiumque molumentorum quæ in Comitatu olim cedebat comiti, Rege alias duas percipiente. Leg. Ed. Conf. c. 31. Rex habebit 100 ſolidos, & Conſul comitatus 50. qui tertium habebit denarium de forisfacturis, &c. and was anciently ſo fixt, and appropriate to an Earldom, as the Earldom of Oxford, in the Reign of King Henry the Second, paſſed by the Grant of *Tertium denarium comitatus Oxon. ut ſit inde Comes*. Of which ſee *Selden's Titles of Honour*.

**Thiſtle-take**, It was a Cuſtom within the Manor of *Halton*, in the County Palatine of Cheſter, that if in driving Beaſts over the Common, the Driver permits them to graze or take but a *Thiſtle*, he ſhall pay a Half-Penny a Beaſt to the Lord of the Fee. And at *Fiſkerton* in Nottinghamſhire, by ancient Cuſtom, if a Native or a Cottager killed a Swine above a Year old, he paid to the Lord a Penny, which Purchase of Leave to kill a Hog was alſo called *Thiſtle-take*. Reg. Priorat. de Thurgarton.

**Thokex**, Fiſh with broken Bellies, 22 E. 4. c. 2. which by the ſaid Statute are not to be mixt or pack'd with *Tale-fiſh*.

**Thol**, *Thollonium eſt libertas emendi & vendendi in terra ſua*. Lamb. Archaion, fol. 132. *Thol*, i. quod Prior habet in mercato ſuo die Luna quandam meſuram de bladis venditis, & quoddam certum de animalibus & cæteris ſimilibus venditis. Reg. Priorat. Cokeford. See *Toll*.

**Thorough-Toll**. At a Place called *Bowgh* in Yorkſhire, in Times paſt the Earls of Richmond had a Caſtlet, and a certain Cuſtom called *Thorough-Toll*, ſays *Cambden*. See *Toll*.

**Thorp**, *Thzep*, *Trop*, either in the Beginning or End of Names of Places, ſignifies a Street or Village, as *Adleſtrop*: From the Sax. *Thorp*, villa, vicus.

**Thraße of Corn**, (*Trava bladi*) (from the Sax. *Threav*, i. e. a Bundle, or the Britiſh *Dreſa*, i. e. Twenty-four) in moſt Parts of England conſiſts of Twenty-four Sheaves, or Four Shocks, Six Sheaves to every Shock, 2 H. 6. c. 2. yet in ſome Counties they reckon but Twelve Sheaves to the *Thraße*: As in the Matter concerning the Burgeſſes of Derby — *Hi autem ad feſtum ſancti Martini reddebant Regi duodecim trabes annone*. *Domesday Book*, de Burgeſſibus Derby, Anno 2 H. 6. cap. 2. — *De qualibet Carucata arante in Episcopatu Eboraci, unam Travam bladi*. King *Athelſtan*, anno 923. gave by his Charter to St. *John* of *Beverley's Church*, Four *Thraves* of Corn from every Plough-land, in the Eaſt Riding of Yorkſhire.

— Wat gibe I God and Seint John.

Her befoze you ever iſkan,

All my herſt Corn meldeel

To uphold his miſtre weel:

Ma fou *Thzebe*, be Deben Kinge)

Of iſka Plough of *Ettring*. —

See *Peter-Corn*.

**Threngus**. See *Drenches*. *Quia vero non erant adhuc tempore Regis Willielmi milites in Anglia, ſed*

*Threnges, præcipit Rex ut de eis milites fierent ad defendendam terram, fecit autem Lanfrancus Threngos ſuos milites, &c.* *Somner's Gavelk.* pag. 123, 210. They were Vaſſals, but not of the loweſt Degree of thoſe who held Lands of the Chief Lord; the Name was impoſed by the Conqueror; for when one *Edwyn Sharnbourn* of Norfolk, and others, were ejected out of their Lands, they complained to the Conqueror, inſiſting that they were always on his ſide, and never oppoſed him, which upon Enquiry he found to be true, and therefore he commanded that they ſhould be reſtored to their Lands, and for ever after be call'd *Drenches*. *Spelm.*

**Thrymſa**, From the Saxon *Thrim*, which ſignifies Three, was an old Piece of Money of Three Shillings, according to *Lambard*, or rather, (as *Selden* thinks) the Third Part of a Shilling, *Titles of Honour*, f. 604. See *Weregeld*. It was certainly but a Groat, or the Third Part of a Shilling, *Thrymſa* being a Contraſtion of the Lat. *Tremiſſis*, and was a German Coin of the Value of 4d. As thus expreſſy, *lib. 6. ſect. 3. Saiga autem eſt quarta pars tremiſſis, hoc eſt denarius unus. Tremiſſis eſt tertia pars ſolidi, & ſunt denarii quatuor.*

**Thrithing**, *Thriſkingum*, In the Statute of *Merton*, ſignifies a Court which conſiſts of Three or Four Hundreds. *Co. 2. Inſt f. 99.*

**Thzower**. See *Silk-Thrower*.

**Thude Weald**, A Woodward, or one who looks after the Woods.

**Thumelum** Signifies a Thumb: 'Tis mention'd in *Leg. Ina*, c. 55. apud *Brompton*, viz. *Si paſnagium capiatur de porcis, de tridigitali tertius, de duo digitali quartus, de Thumelo quintus, i. e. whoſe Fat is the Length of a Thumb.*

**Thwertnick**, *Edwardus, &c. Conceſſimus etiam quod Vicecomes noſter aut heredum noſtrorum, qui pro tempore fuerit in dicto comitatu, de cætero faciat executiones pro debitis recuperatis & recognitis in Comitatu vel Scaccario Ceſtrie aut in itinere Juſticiariorum, qui pro tempore fuerit, abſque aliquo capiendo pro executione facienda, licet etiam præteritis temporibus uſum ſit, prout per chartam habet ipſa communitas; (ſcilicet Ceſtreſcira) quod ſi aliquis in curia noſtra culpatus fuerit, per thwertnik ſe defendere poſſit; quia hæc deſenſio eſt contraria legi Communi, nutrit malorum, pacis æmula & damnosa populo pacifico: Volumus etiam de conſenſu & requiſitione dictæ communitatis, Ordina-  
mus & præcipimus quod dicta deſenſio per thwertnik de cætero non allocetur ſed annuletur totaliter & damnetur, &c.* *Rot. Cart. de anno 11, 12, 13 Ric. 2. num. 11. per Inſpex.* This Word ſeems properly *Thirndight*, or *Thirndicht*, which in ſome old Writings is taken for the Cuſtom of giving Entertainment, or paying Procuracion-Money, to the Sheriff for Three Nights.

**Tideſmen** Are certain Officers that belong to the *Custom-Houſe*, and are appointed to watch or attend upon Ships, till the Cuſtom of the Freight be paid; and they are ſo called, becauſe they go aboard the Ships at their Arrival in the Mouth of the *Thames*, and come up with the *Tide*.

**Tierce**, (Fr. *Tiers*, i. e. a Third, or third Part) a Meaſure of liquid Things, as Wine, Oil, &c. containing the third Part of a Pipe, or Forty-two Gallons. *Anno 32 H. 8. cap. 14.*

**Tigh** or **Teage**, A Cloſe or Encloſure, a Croft; which Word *Tigh* is ſtill uſed in *Kent*, in the ſame Senſe. And in an old Charter of the Church of *Canterbury*, we find this Clauſe — *Marſonem quoque quæ eſt in Aquilonali parte Doroberniæ, & clauſulam*



*fulam quam Angli vocant Teage que pertinent ad prædictam mansionem, &c.*

**Tihindus.** See *Twihindimen*.

**Tihla**, An Accusation: From the Sax. *Tyhtla*, Accusatio: 'Tis often mentioned in the Laws of Canutus, and H. 1. viz. *Si quis amicis destitutus ut plegium non habeat in prima Tihla, penatur in Carcano.* Leg. Canut. c. 62. and in Leg. H. 1. c. 45. *De nemore inoperato per Tihlam nemo respondeat, nisi sit ibi captus.*

**Tilsen Satten**, for *Tinsel Satten*: 'Tis mentioned in the Statute 1 H. 8. cap. 14. and signifies *Satten* interwoven with Silver.

**Timberlode**, A Service so called, by which the Tenant was to carry Timber felled, from the Woods to the Lord's House: 'Tis mentioned in *Thorn's Chronicle*, *Et debent pro qualibet sawlinga 14 denar. per Annum, pro Timberlode, vel cariare extra Waldam per mare vel per terram ad dictum marinerium.*

**Timber of Skins** Is Forty Skins, *De qualibet Timber de Fitchewx venal.* Ob. Pat. 10 R. 2. pars 1. m. 10. *Hec civitas (sc. Cestrie) tunc reddebat de firma 45. libras & tres timbres pellium Matrinarum.* Leg. Edw. Conf.

**Tina fluvius**, the River Tyne in Northumberland.

**Tinel le Roy**, (Fr.) It used for the King's Hall, wherein his Servants used to dine and sup. Anno 13 R. 2. c. 3.

**Tincman**, or **Tienman**, Was of old a petty Officer in the Forest, who had the nocturnal Care of Vert and Venison, and other servile Employments. *Constitut. Forestæ Canuti Regis*, cap. 4.

**Tinkermen**, Those Fishermen who destroyed the young Fry on the River Thames, by Nets and unlawful Engines, till suppressed by the Mayor and Citizens of London. Of which see *Stow's Survey of London*, p. 18.

**Tinet** (*Tinettum*) ——— *Et prædictus Firmarius habebit tinettum sufficiens extra boscum ipsius R. ad clausurandum terras & pasturas supradictas.* Charta Ric. Moninton 21 Hen. 6. Trousse, Brushwood and Thorns to make and repair Hedges. In Herefordshire to *Tine* a Glat or Gap in a Hedge, is to put Trousse or Thorns in it, that Cattle may not pass.

**Tinnmouth.** See *Tunocellum*.

**Tinpenny**, A customary Tribute paid to the *Tithingman*, to support the Trouble and Charge of his Office. The laborious *Du Fresne* is apparently mistaken, when in Allusion to the first Syllable, he renders it a Tax of Acknowledgment paid for *Tin* Mines, or the Liberty of digging *Tin*. Whereas it bears no such fancied Relation; but *Tin* is only a Contraction of *Ten*, and means only the Number Ten. King Henry 1. granted to the Abbey of *Radiges* ——— *Ut teneamenta quæta sint de tributis & lestagiis, de tedinpeni & Tinpeni.* Chartular. Abbat. Radiges, MS. f. 2. where *Tedinpenny* signified the Money paid the Sheriff by the several Tithings; and *Tinpenny* was the Money paid the *Tithingman* by the several Friburghs or Divisions of his Decennary or District.

**Tinettum**, Trousse, Brushwood and Thorns for Fencing and Hedging, which Sort of Underwood cut at Length, and not fagotted up, is still in Kent called *Teonet*.

**Tipstaff** Is one of the Warden of the Fleet's Men, that attends the King's Courts with a paint-

ed Staff, for the Taking such into Custody as are committed by the Court, and to attend such Prisoners as go at large by Licence: These are otherwise called *Basfons*. Anno 1. R. 2. c. 12. and 5 Eliz. cap. 23. They also are called *Tip-staves*, that attend the Judges with a Kind of Rod *tips* with Silver, and take into their Charge all Prisoners either committed or turned over at the Judge's Chamber.

**Tissur.** See *Tilsen*.

**Tithes**, *Decimæ*, Are the Tenth Part of all Fruits, *Predial*, *Personal* and *Mixt*, which are due to God, and consequently to his Church's Ministers for their Maintenance. *Levit. 27. verse 30. Omnium bonorum licite quasitorum quota pars Deo, Divina constitutione debita.* Father Paul. in his Italian Treatise *Di Materie beneficiate* is of Opinion, that *Tithes* were not given to the Priest but a little before the Time of Charles the Bald; but this must be a Mistake, for in the second Council of *Marfcon*, which was held Anno 585. we may read that *Leges divine, &c. præceperunt decimas fructuum suorum locis sacris præstare, &c. quas Leges Christianorum congeries longis temporibus custodivit intemeratus, &c.* Du Cange. And it was of late Times resolved, viz.

*Paschæ 1 Jac. Rot. 1119. in Communi Banco.*

**Q**UOD *Decimarum tres sunt species, quædam Personales, quæ debentur ex opere personali, ut Artipio, Scientia, Militia, Negotiatione, &c. Quædam Prædiales, quæ proveniunt ex prædiis, i. e. Ex fructibus prædiorum, ut Blada, vinum, fœnum, linum, cannabum, &c. seu ex fructibus arborum, ut Pomæ, Pyra, Pruna, Volema, Cerasa, & fructus hortorum, &c. quædam Mixtæ, ut de Caseo, lacte, &c. aut ex fœtibus animalium, quæ sunt in pascuis, & gregatim pascuntur, ut in Agnis, Vitulis, Hodis, Caprellis, Pullis, &c. Ex Prædialibus sunt quædam Majores, quædam Minutæ; Majores, ut frumentum, siligo, zizania, fœnum, &c. Minores sive Minutæ, quidam dicunt, sunt, qui proveniunt ex menta, aneto, oleribus & similibus, juxta illud dictum Domini, Luc. 11, 42. Væ, qui decimatis mentam & rutam, &c. Alii dicunt, Quod in Anglia consistunt Decimæ minutæ in lino, quæ sunt Prædiales, & Lana, lacte, caseis & in Decimis animalium, agnis, pullis, & ovibus; Decima etiam mellis & cere numerantur inter Minutæ, quæ sunt Mixtæ. Vide Lyndewode, cap. de Decimis.*

But Laymen, in these latter Times, by withdrawing, or with-holding their *Tithes*, occasion'd the Statutes of 27 H. 8. 20. 32 H. 8. 7. and 2 E. 6. 13. which were made to enforce the Payment thereof, which former Times required not, when more was often given than was either due or demanded, as appears by these and many other recorded Donations.

**E**GO *Williclmus de Braosa do & concedo Ecclesiæ Sanctæ Mariæ de Bargaveny & Monachis ibidem Deo servientibus, omnem Decimam de Castello de Bargaveny, sc. De Pane, de Vino, de Cerevisia, & Siferæ, & de omni genere potus, de carnibus, de piscibus, de sale, de melle, de cera, de sevo, & omni expensâ generaliter, tam parva quam magna, Castellii jam prædicti, de Denariis quoquomodo adquisitis & habitis, de placitis, de auxiliis, de prisonibus, de bobus, de vaccis, de porcis, de ovibus, de capris, de equis, & de omnibus*

nibus rebus, & de omni eventu quoquomodo evenierit jam dicto Castello. Mon. Angl. 1 par. fol. 558. a. Et Decimas omnium proventuum Placitorum, Tolnetorum, Donorum, Lucrorum & reddituum meorum, & totius panis & potus expensi de Castello Breconia & de Haya. Charta Rogeri Comitis Herefordia. Sine Dat.

And anciently many Men were so scrupulously careful in their Payment of *Tithes*, that at their Death they bequeathed *Soulesseat*, to their Parish-Priest, in lieu of any *Tithes* forgotten, and at their Funerals caused their best Ox or Horse to be led with the Corps, and as a Mortuary or Oblation given to the Priest, in Recompence of any *Tithe* which might have been forgotten. See *Kennet's Glossary in Tithes*.

*Tithing*, *Tithingum*, From the Saxon *Teothunge*, which signifies *Decuriam*: It signifies, (according to *Lambard*, in his *Duty of Constables*) the Number or Company of Ten Men with their Families, knit together in a Society, all being bound to the King for the peaceable Behaviour of each other. Of these Companies, there was one chief or principal Person, who, from his Office was called *Teothung-man*, at this Day in some Places *Tithing-man*, but is indeed a Constable, for the old way of *Tithing* is long since left off. It is also used for a Court. *Magna Chart. c. 25. Merton, c. 10. and 23 E. 3. c. 4.* See *Chief Pledge, Frank-pledge, Decennier and Tithing*.

*Tithing-men*, In the Saxon Times, for the better Conservation of Peace, and the more easy Administration of Justice, every Hundred was divided into Ten Districts or *Tithings*, each *Tithing* made up of Ten *Friborgs*, each *Friborg* of Ten Families, and within every such *Tithing*. — *Statuerunt Jusficiarios super quosque decem Friborgos, quos Decanos possumus appellare, Anglice vero, Tienheford, i. e. caput de decem.* Which *Tithing-men*, or Civil Deans, were to examine and determine all lesser Causes between Villages and Neighbours, but to refer all greater Matters to the superior Courts, which had a Jurisdiction over the whole Hundred. See *Kennet's Paroch. Antiq. pag. 633.* This Officer was sometime called *Tething-mannus*.

Concessit Abbas pro se & successoribus suis quod catalla felonum fugitivorum, vel rationabile pretium eorumdem, per visum & ballium Coronatorum ipsius Abbatis tradantur Thethingmanno predicti Petri; & heredum suorum, salvo custodienda usque ad adventum Jusficiariorum itinerantium. Cart. 3 E. 2. in Cartular. de Radinges. MS. f. 156. b.

*Tithing-penny*, alias *Tith-penny*, alias *Thething-penny*, *Et sint quieti de Thething-penny*, *Tyn-penny*, & de omnibus forisfactis quacunque occasione emerferunt, &c. In Mem. Scac. de anno 20 E. 3. Trin. Rot. 3. *Abbati & Monachis Rading.* *Tithing-penny, hoc est, quieti de Tallagio Decenna sive Tithing per consuetudinem.* MS. in Biblioth. Cotton. sub. Tit. Vitellius, C. 9. fol. 221.

*Tillage*, *Agricultura*, Is of great Account in Law, as very profitable for the Commonwealth; and therefore arable Land hath the Precedence before Meadows, Pastures, Woods, Mines, and all other Ground whatsoever. And by laying of Lands used in *Tillage* to Pasture, Six grand Inconveniences ensue.

1. Idleness, which is the Ground and Beginning of all Mischief.

2. Depopulation and Decay of Towns, for where in some Towns Two Hundred Persons

were employed and lived by their lawful Labours, by converting Tillage into Pasture, only Two or Three Herd-men are maintained.

3. Husbandry is decayed.

4. Churches are destroyed, by Diminution of Church-Livings.

5. Injury and Wrong done to Patrons and Ministers.

6. The Defence of the Land against foreign Enemies enfeebled and impaired; the Bodies of Husbandmen being more strong and able, and patient of Cold, Heat, and Hunger than any other. See *Kennet's Glossary in Tithes*.

*Tinewald*, The Parliament or annual Convention in the *Isle of Man*; of which Mr. *King* in his Description of that Island gives this Account.

— The Governor and Officers do usually call the Twenty-four Keys of the Island, especially once every Year, viz. upon *Midsummer-day*, at *St. John's Chapel*, to the *Tinewald Court* there, where upon a Hill near the said Chapel, all the Inhabitants of the Island, standing round about a fair Plain, they may hear the Laws and Ordinances agreed upon before in the Chapel aforesaid, published and declared unto them; and then and there the Lord of the Island, if he be in the Country, is to sit in a Chair of State covered with a Royal Cloth or Canopy over his Head, his Visage unto the East, with his Sword before him, holden with the Point upwards, his Barons, viz. the Bishop and Abbots, when was Time, with the rest of their Degrees, sitting beside him, &c.

*Title*, *Titulus*, Properly is when a Man hath lawful Cause of Entry into Lands whereof another is seised, for which he can have no Action, as *Title* of Mortmain, or *Title* to enter for Breach of Condition: But legally this Word *Title* includes a Right; also and *Title* is the more general Word, for every Right is a *Title*, but every *Title* is not such a Right for which an Action lieth, and therefore *Titulus est justa causa possidendi quod nostrum est*, and signifies the Means whereby a Man cometh to Land, as his *Title* is by Fine or Feoffment. And as by a Release of a Right a *Title* is released, so by Release of a *Title*, a Right is released also. See *Co. 4. Rep. Edw. Altam's Case*. This is a Word mentioned in several Councils and Synods; and it signifies the Church to which a Priest was ordained, and where he was constantly to reside. *Council. London. an. 1125. Nullus in presbyterum, nullus in Diaconum, nisi ad certum Titulum, ordinetur.* There are many Reasons why a Church is called *Titulus*: But that which to me seems the best, is, because in former Days the Name of the Saint to whom the Church was dedicated, was engraved on the Porch, as a Sign that the Saint had a *Title* to that Church. From whence the Church it self was afterwards called *Titulus*.

*Title of Entry* Is when one seised of Land in Fee, makes a Feoffment thereof on Condition, and the Condition is broken; after which the Feoffor hath *Title* to enter into the Land, and may do so at his Pleasure, and by his *Entry* the Freehold shall be said to be in him presently. And it is called *Title of Entry*, because he cannot have a Writ of Right against his Feoffee upon Condition, for his Right was out of him by the Feoffment, which cannot be reduced with *Entry*; and the *Entry* must be for the Breach of the Condition.

*Titu-*

**Titinylks, Tale-Bearers.** Letter of the Secretary of State in 28 of H. 8. to James the Fifth King of Scotland. — In all Realms the Popish Practice hath had such Confederacy of false, forsworn, factious and traitorous *Titinylks*, untrue to their Sovereign. *Vid. Wever of Fun. Mon. pag. 94.*

**Toalia, A Towel.** In the Inquisition of Serjeancies and Knights-Fee, within the Counties of Essex and Hertford, made in the 12th and 13th Year of King John. — *Petrus Picote tenet dimid. Heydene per Serjantiam serviendi cum una toalia ad coronationem Regis — i. e. by the Service of waiting with a Towel at the King's Coronation. — Ex Lib. Rub. Saccar. fol. 137.*

**Tobius Fluvius, Tovey in Wales.**

**Tod of Wool** Contains Twenty-eight Pounds or Two Stone, mentioned in the Statute 12 Car. cap. 32. See 3 Inst. f. 96.

**Toft, Toftum, A Messuage, or rather a Place** where a Messuage hath stood. *West Symbol. part. 2. Tit. Fines, sect. 26.* And is a Word much used in *Fines*, — *Capitale Toftum & Croftum quod fuit Walteri Patris sui. Cart. Petri de Brus in Biblioth. Cotton. Scites & Toftes, an. 22 Car. 2. c. 11.*

**Toftman, Toftmannus, The Owner of a Toft, Toftmanni similiter operabantur a Sancto Michaelis usque ad Autumpnum, & in autumno per 6 hebdomadas unaquaque hebdomade per 2 dies, &c. Pri. Lew. p. 18. See Molman.**

**Toile** Cometh of the French *Toile*, i. tela, and signifieth with us a Net or Cord to compass or take Deer.

**Toliatig, the Isle of Sheppey.**

**Toling-penny, Mon. Angl. 2 Tom. pag. 286. for Teding-penny.**

**To Toll, To Bar, Defeat, or Take away.** As to *Toll the Entry*, i. e. To deny or take away the Right of Entry. *Stat. 8 Hen. 6. cap. 9.*

**Toll, alias Tholl, Tolnetum alias Theolonium,** Is a Saxon Word, and hath in our common Law Two Significations. First, It is used for a Liberty to buy and sell within the Precinct of a Manor. *Lamb. Arb. f. 132.* Secondly, For a Tribute or Custom paid for Passage, &c. *Bract. lib. 2. ca. 24. num. 3.* interprets it to be a Liberty as well to take as to be free from *Toll*, for they who are enfeoffed with *Toll*, are Custom-free, saith *Skene*. *Toll*, hoc est, quod nos & homines vestri de toto Homagio vestro sint quieti de omnibus mercatis & de Tolneto de omnibus rebus emptis & venditis. Of this Freedom from *Toll* the City of Coventry boasts of an ancient Charter, granted by *Leofrich* (or *Lurich*) *Merciorum Comes*, who at the Importunity of *Godeva* his virtuous Lady, granted this Freedom to that City; and in *Richard the Second's* Time (as *Dugdale* saith in his Description of *Warwickshire*) the Picture of him and his Lady was set up in the South Window of *Trinity-Church* there, holding in his right Hand a Charter with these Words written thereon.

**Lurich, for the Love of Thee,  
Do make Coventry Toll-free.**

Some Authors make Passage of *Tollbrough*, which is Money paid for Passage in or through some Highways, or over Ferries, Bridges, &c. *Toll-raverse*, for passing over a private Man's Ground; and *Toll-turne*, which is *Toll* paid at the Return of

Beasts from Fairs or Markets, though they were not sold. *Plowd. f. 236. Wilton's Case. Kitchen, f. 204.* By the ancient Law of the Land, the Buyers of Cattle or Corn in Fairs or Markets ought to pay *Toll* to the Lord of the Market, in Testimony of the Contract there lawfully made in open Market, because privy Contracts were held unlawful. *Horn's Mirror, lib. 1.* There is also *Intoll* and *Uttoll*, mentioned in *Henry I.'s* Charter to the Church of *St. Peter* in *York*; which see *Mon. Angl. 3 Part. fol. 326. a.* The made Latin Word *Theolonium*, *Cassanau's de consuet. Burg. p. 118.* deriveth a *Tollendo*, but it is more properly deduc'd from the Greek *τελώνια* or *τελωνιον*, id est, *vestigalium redemptio vel exactio.* See *Fleta, lib. 1. cap. 47.*

**Tollage.** This Word occurs in the Statute made an. 17 Car. 1. c. 15. and is there used to signify the same as *Tallage*, which see.

**Toll-Booth,** the Place where Goods are weighed.

**Tolcestrum, Tolaster, Excise, or Tribute** paid to the Lord by the servile Tenant for Liberty to brew and sell Ale. — Among the customary Services of the Tenants in *Blebury*, to the Abbat and Convent of *Reading*. — *Et solebant dare tolcestrum, scilicet, illi qui solebant facere cervisiam ad vendendum, videlicet, sex lagenas cervisiae.* — *Cartular. Radinges, MS. f. 221. a.* — *Præterea si brachiant ad vendendum dabunt de cervisia sua prædicto Abbati quantum consuetudinem quæ vocatur Tolaster, scil. de qualibet brachina quatuor lagenas quoties unque brassaverint, ib. f. 223. a.* See *Tolsester*.

**Tolcozn, Corn** taken for *Toll* at grinding in a Mill. — *Dedi Abbati & Conventui de Radinges unam dimidiam summam bladi, scil. de tolcorn de molendino de Homstoll. — Cartular. Abbat. Radinges. MS. f. 92. a.*

**Tolhop, A Toll-dish, or small Measure** by which they take *Toll* for Corn sold in an overt Market. — *De consuetudine mercati de magna Farendon, pro carectata salis dabitur unus discus salis, qui continere debet unum tolhop, vel unus denarius. Consuetud. Domus de Farendon. MS. fol. 22.*

**Tolsester, — Per Tolsester, clamat esse quiet.** de reddend. unum Sextarium Cervisia quod continet 16. Lagenas de nova cervisia mensurata, desubtus le Shacklest, pro licentia brassandi cervisi. per totum annum. *Ex Rot. Plac. in itin. apud Cest. 14 H. 7.* The same Word occurs in a Charter, 55 H. 3. m. 6. See *Gavelsester*.

**Tolsep, the Place** where Merchants meet. From the Sax. *Tol*, *Tributum*, and *See, sedes*.

**Tolt, Tolta, Is a Writ** whereby a Cause depending in a Court-Baron, is removed to the County-Court, *Old Nat. Brev. fol. 2.* and so called, because it does tollere loquelam from the one Court to another. *Preface to Co. Rep. 3. Plac. coram Rege Pasch. 22 E. 1. Rot. 18.* *Tolla placiti* significat processum per quem causa a Jurisdictione curie temporalis tollitur. *Tolt* is also a Tribute, or an Exaction of any Thing. *Mon. Angl. 1 Tom. p. 673.* So in *Mat. Paris. Mercatores vendunt sine Toltis malis.*

**Toltstrap, — Venditio salis quæ debet so'oi, i. Bussel & dimid. satis per mensurare 4s. MS. de temp. Ed. 1.** It should be *Toltfny*, or *Toll* taken by *Tray* or *Disb.*

**Tolta, Wrong, Rapine, Extortion, any Thing** exacted or imposed contrary to Right and Justice. — *Nec aliquem depradetur, nec homicidia, vel*

*incendia, roberias, toltas, seu alia huiusmodi perpetret enormia.* Pat. 48 H. 3. in Brady Hist. Eng. Append. pag. 235.

**Tolmen**, A Weight so called amongst Goldsmiths and Jewellers, and is Twelve Grains.

**Tonnage**, *Tonnagium*, Is a Custom or Impost paid to the King for Merchandise carried out, or brought in Ships, or such like Vessels, according to a certain Rate upon every Tun; and of this you may read in the Statutes 12 E. 4. cap. 3. 6 H. 8. c. 14. 1 E. 6. c. 13. 1 Jac. 33. but especially 12 Car. 2. cap. 4.

**Tonne**. See **Tun**.

**Tonnetight**, The Quantity of a Tonne or Tun, in a Ship's Freight or Bulk, for which Tonnage or Tunnage was paid to the King. — *Ricardus Rex, &c. Thoma de Percy Admirallo nostro — in Parlamento ordinatum extitit — percipiend. de qualibet navi & craiera cujuscunque fuerit portagii que mare transierit infra predictum Admiratum eundo & redeundo pro viagio de quolibet Tonnetight sex denarios — item de quolibet vase piscatrice quod infra mare dicti Admiratus piscatur pro allece capiend. de quolibet tonnetight sex denarios, &c.* Pat. 2. R. 2.

**Torcure** Is a Word mentioned in *Fleta*, 2 Lib. c. 71. par. 2. viz. *Boves striliare & Torcare*: Which is to comb and cleanse his Oxen.

**Torcester**. See **Tripontium**.

**Torney**. See **Turney**.

**Torra**, *Toire*, Sax. **Tor**, A Mount, A Hill, as *Glastenbury Torre*. — *Terra in campis Glastonia, una acra jacet in australi parte de la torre.* — *super torram una acra.* — Chartular. Abbat. Glaston. MS. f. 114, 116.

**Tort**, (from the Lat. *Tortus*) Is a French Word for Injury or Wrong, as *de son tort mesne*, in his own Wrong. Cro. Rep. fol. 20. *White's Case*. Wrong or Injury is properly called *Tort*, because it is wrested or crooked. Cro. on Lit. fo. 158.

**Tortfeasor**, A Wrong-doer, a Trespasser. Co. 2. par. f. 383. num. 11.

**Tortitium** Is mentioned in *Fleta*, and other Books, and signifies a *Torch*.

**Toties quoties**, Anno 19 Car. 2. c. 4. and signifies As often as.

**Tothlanda**, A certain Portion of Land, in the Nature or Dimension whereof I can find no Direction, and can make no safe Conjecture. — *Cum una virgata terra, & cum una Tothlanda, & octo acris, que fuerunt date in dedicatione (Ecclesia de Heyford ad Pontem Com. Oxon.) Wulfeini Episcopi Dorcestria.* Paroch. Antiquit. p. 514.

**Totted**, A good Debt to the King, is by the foreign Apposer, or other Officer in the Exchequer, noted for such, by writing this Word *Tot* to it; *q. d. Tot pecunia regi debetur.* Anno 42 E. 3. cap. 9. and 1 E. 6. 15. See *Practice of the Exchequer*, pag. 71.

**Totteray** Was a customary Payment of Four Pence for every Bushel and a half of Corn, sold at Maldon in Essex. Hill. 15 E. 1. This Word should be *Tolteray* or *Toll-tray*.

**Tourne**. See **Turn**.

**Tout temps pñst & uncoze est**, That is, Always ready, and is so at this present. This is a Kind of Plea in way of Excuse or Defence for him that is sued for any Debt or Duty belonging to the Plaintiff. See *Broke's Abridgment*, fol. 258.

**Towage**, *Towagium*, and *Thoroagium*, Is the Rowing or Drawing a Ship or Barge along the

Water by Men, or Beasts on Land, or by another Ship or Boat fastned to her. Also that Money, or other Recompence, which is given by Bargemen to the Owner of the Ground next a River where they tow a Barge, or other Vessel, *Dominus Rex habeat & habere debeat Thowagium navium & battellorum majorum & minorum in aqua de Tyne, &c.* Pla. coram Rege & ejus concil. Parl. 18 E. 1. in Tur. London.

**Toyliardus**, A Sheep, a Ram — *Qualibet hida potest sustinere octo & decem boves, sexdecim vaccas, & unum taurum, & ducentas oves cum quatuor toyliardis, cum exitu predictarum ovium de uno anno, & quatuor Affros cum exitu unius anni.* — Chartular. Abbat. Glaston. MS. fol. 72. b.

**Trabariæ** Were little Boats; so called, because they were made out of single Beams or Pieces of Timber cut hollow. *Florence of Worcester*, pa. 618. writes, That *uterque Rex in insulam Trabariis advehitur.*

**Trabes** In Churches, was that we now call Branches, made usually with Brags; but formerly with Iron. See **Thrave**.

**Tractus-uum**, *Traces*, by which Horses, in their Gears, draw a Cart, Plough, or Waggon *Par tractuum*, A Pair of Traces. — *Pro uno carsadde, uno colero, cum una pari tractuum emptis xiv. d.* Paroch. Antiquit. p. 549.

**Traga** Was a Sort of Waggon without Wheels. 'Tis mentioned in the *Monasticon*, 1 Tom. pa. 851. *Qui cum quadriga vel Traga egressus.* So in *Virgil. Georg. lib. 1. ver. 164.*

**Tribulaque**, **trabeaque** & **iniquo pondere rastri.**

**Trahare** Seems to be used for to Harrow, as well as *Herciare*. *Inq. in an. 1223. in Registro de Blyth.*

**Trajectus**, *Ast-Passage* over the *Severn* between Gloucestershire and Wales, not far from *Bristol*.

**Trait**, Bread of *Trait*, *quasi Treat*, was what we now call *White-bread*.

**Tranatozium**, a Bay.

**Transcript**, Anno 34 & 35. H. 8. cap. 14. Is the Copy of any Original written again or exemplified, as the *Transcript* of a *Fine*.

**Transcripto Recognitionis factæ coram Justiciariis itinerantibus, &c.** Is a Writ for the certifying of a *Recognition* taken before *Justices* in *Eyre* into the *Chancery*. Reg. Orig. fol. 152.

**Transcripto pedes finis levari mittendo in Cancellarium**, Is a Writ for the certifying the Foot of a *Fine* levied before *Justices* in *Eyre*, &c. into the *Chancery*. Reg. Orig. f. 669. & Reg. Judic. fol. 14.

**Transgressionem**. Is a Writ commonly called a Writ or *Action* of *Trespass*, of which *Fitzherbert* reckons two Sorts; one *Vicountiel*, so called because it is directed to the Sheriff, and is not returnable, but to be determined in the County; the Form whereof differs from the other, because it hath these Words, *Quare vi & armis, &c.* F. N. B. f. 84. The other is termed a *Writ of Trespass* upon the Case, which is to be sued in the King's Bench or Common Pleas, in which are used always these Words. *Vi & armis, F. N. B. fol. 92.* See *Trespass*, and the divers Uses of this Writ in the Table to the Register of Writs and 2. Inst. fol. 419.

**Tran-**



**Transire**, *Anno 14 Car. 2. cap. 11.* Is used for a Custom-house Warrant or Let-pafs; from *Transseo*, to go forth or let pafs.

**Transitoꝝ** Is passing away or flitting, the opposite to *Local*. See *Local*.

**Tranterꝝ** So in some Manors they call the Money arising by Amerciaments of Ale-sellers and Victuallers, for breaking the Assize of Bread and Ale, as *Luston*, and other Manors in *Herefordshire*, especially those belonging to the Bishoprick of *Hereford*. But why so called, *quare*.

**Translation**, *Translatio*, In common Sense signifies the Version out of one Language into another; but in a more confined, denotes the setting from one Place to another; as to remove a Bishop from one Diocese to another is called *Translating*, and such a Bishop writes not *Anno Consecrationis*, but *Anno Translationis nostræ*.

**Traba**. See *Thrava*.

**Traverse**, (A derivative from the French *Traverser*, i. *Transfigere*) signifies sometimes to deny, sometimes to overthrow or undo a Thing, or to put one to prove some Matter; much used in Answers to Bills in *Chancery*; or it is that which the Defendant pleadeth, or saith in Bar to avoid the Plaintiff's Bill, either by confessing and avoiding, or by denying and traversing the material Parts thereof. *West. Symbol. Part 2. Tit. Chancery, sect. 54, 55.* The formal Words of which *Traverse* are in our French *Sans ceo*, in Latin *absq; hoc*, and in English *without that*. See *Kitchin, f. 227.* and 240: *Staundford, Prærog. cap. 20.* To *Traverse* an Office is nothing else but to prove, That an Inquisition made of Lands or Goods by the Escheator is defective, and untruly made. So to *Traverse* an Indictment is to take Issue upon the chief Matter, and to contradict or deny some Point of it. As in a Presentment against *A.* for a Highway overflow'd with Water, for Default of scouring a Ditch, &c. *A.* may *Traverse* either the Matter, that there is no Highway there, or that the Ditch is sufficiently scoured; or otherwise he may *Traverse* the Cause, viz. That he hath not the Land, or that he and they whose Estate, &c. have not used to scour the Ditch. *Lamb. Eiren. lib. 4. c. 13. p. 521, 522.* See the *New Book of Entries*, verb. *Traverse*.

**Traversum**, a Ferry. 'Tis mentioned in the *Monasticon*, 2 Tom. 1002. *Ab omni custuma pontagii vel traversi.*

**Traves**, (*Trava bladi.*) *Claus. 5 Edw. 2. dorf. 21.* and *Claus. 12 Ric. 2. m. 34.* granted to the Provost of St. John of Beverley. See *Peter-Corn* and *Thrave*.

**Trawlmen**, Of those Fishermen who used unlawful Arts and Engines to destroy the Fish upon the River *Thames*, some were stiled, *Tinckermen*, others *Hebbermen*, *Petermen*, *Trawlmen*, &c. See *Stow's Survey of London, pag. 19.* Hence to *trawle* or *trawle* with a *Trowing-line* for Pikes.

**Traylbaston**. See *Justices of Traylbaston*; and see the Copies of several Commissions granted to them by *Edward the First* in *Spelman's Glossarium, verbo, Traylbaston.* The common People in those Days called them *Traylbaston*, quod sonat, *Trabe baculum.* *Edward the First*, in his Thirty-second Year, sends out a new Writ of Inquisition, called *Trailbaston*, against Intruders on other Men's Lands, who, to oppress the right Owner, would make over their Lands to great Men; against Batterers hired to beat Men, Breakers of Peace, Ravishers,

Incendiaries, Murderers, Fighters, false Assisors, and other such Malefactors: Which Inquisition was so strictly executed, and such Fines taken, that it brought in exceeding much Treasure to the King. *Chron. fol. 111.* See *Plac. Parliamentaria, fol. 211.* & 280. and 4 *Inst. 186.* And in a Parliament, 1 R. 2. the Commons of *England* petitioned the King, That no Commission of Eyre; or *Trayle Baston*, might be issued during the Wars, or for Twenty Years to come. *Rot. Parl. 1 R. 2.*

**Traytoꝝ**, (*Traditor, Proditor*,) see *Treason*.

**Trayterous Position**, Of taking Arms by the King's Authority against his Person, and those that are commissioned by him, condemned by the Stat. 14 Car. 2. cap. 3.

**T. R. E. Tempore Regis Edwardi.** These initial Letters have this continual Note of Time in the *Domesday Register*, where the Valuation of Manors is recounted, what it was in the Time of *Edward the Confessor*; and what since the Conquest. As in *Oxfordshire* — *Manerium de Burcefre, T. R. E. valuit quindecim libras, modo sexdecim.*

**Treason**, *Proditio*, Of the French *Trahison*, and it is divided into *High Treason* and *Petty Treason*; *High Treason* is defined to be an Offence committed against the Security of the King or Kingdom, whether it be by Imagination, Word or Deed; as to compass or imagine the Death of the King, Queen or Prince; or to deflower the King's Wife, or his eldest Daughter unmarried, or his eldest Son's Wife: Or levy War against the King in his Realm, adhere to his Enemies, counterfeit his Great Seal, Privy Seal, or Money: Or wittingly to bring false Money into this Realm counterfeited, like the Money of *England*, and utter the same. To kill the King's Chancellor, Treasurer, Justices of either Bench, Justices in Eyre, of Assize, or of Oyer and Terminer, being in their Place doing their Office. *Anno 25 E. 2. cap.* Forging the King's Seal Manual or Privy Signet, Privy Seal, or foreign Coin current here. *Anno 2 Mar. Cap. 6.* Or diminishing or impairing current Money. 5 *Eliz. 11. 14 Eliz. cap. 3. 18 El. 1.* Or to say the King is an Heretick or Papist, or that he intends to introduce Popery, &c. *Anno 13 Car. 2. cap. 1.* And many others, which you may read there, and in other Places particularly expressed. In Case of this *Treason*, a Man shall be drawn, hanged, and quartered, and forfeit his Lands and Goods to the King. It is called also *Treason Paramount*. *Anno 25 E. 3. c. 2.* *Petit Treason* is, when a Servant kills his Master, a Wife her Husband: Or when a secular or religious Man kills his Prelate or Superior, to whom he owes Faith and Obedience: And in how many other Cases *Petit Treason* may be committed, see *Crompt. Just. of Peace*. This kind of *Treason* gives Forfeiture of Escheats to every Lord within his own Fee. See *Bract. lib. 3. tract. 2. cap. 3. num. 1, 2.* There is also Mention of *Accumulative Treason* and *Constructive Treason* in the Statute, 14 Car. 2. cap. 29. And here observe, that in *Majori prodicione omnes sunt Principales*, there are no Accessaries in *Treason*, all are Principals. And *Voluntas non reputabitur pro facto nisi in causa Proditionis*, for *Petty Treason*. See *Co. 1. Rep. Shelley's Case*.

**Treasure**, *Thesaurus*, the King's *Treasure* is the Sinews of War, and the Honour and Safety of the King in Time of Peace, *Firmamentum Belli & ornamentum Pacis*. If any Mine of base Metal be found

found in any Ground, it belongs to the Lord of the Soil; but if it be of Gold or Silver, it appertains to the King, in whose Groundsoever they be found.

**Treasurer, *Thesaurarius*,** Is an Officer to whom the Treasure of another is committed to be kept, and truly disposed of: The chiefest of these with us is the *Treasurer of England*, who is a Lord by his Office, and one of the greatest Men of the Land, under whose Charge and Government is all the Prince's Wealth contained in the Exchequer, as also the Clerks of all Officers any way employed in the collecting of the Imposts, Tributes, or other Revenues belonging to the Crown. *Smith, de Rep. Anglor. lib. 2. cap. 14.* See more belonging to this Office. 20 E. 3. 6. 31 H. 6. 5. 4 E. 4. 1. 17 E. 4. 5. 21 H. 8. 20. and 1 E. 6. 13. This high Officer hath by Virtue of his Office, the Nomination of all Escheators yearly throughout England, and giveth the Places of all Customs and Searchers in all the Ports of the Realm, with divers other Matters, &c. There is also the *Treasurer of the King's Household*, who is of the Privy Council, and in the Absence of the *Steward of the King's Household*, hath Power with the *Controller and Steward of the Marshalsea*, without Commission, to hear and determine Treasons, Misprisions of Treason, Murder, Homicide and Bloodshed committed within the King's Palace. *Staundf. Pl. Cor. lib. 3. cap. 5.* In *Westm. 2. cap. 1.* there is Mention of the *Treasurer of the Exchequer, Treasurer of the Navy or War.* 27 E. 3. Stat. 2. cap. 18. 35 Eliz. cap. 4. *Treasurer of the King's Chamber,* 26 H. 8. 3. 33 H. 8. 39. *Treasurer of the King's Wardrobe.* 15 E. 3. Stat. 1. cap. 3. 25 E. 3. Stat. 5. c. 21. Whose Office you have well set out in *Fleta, lib. 2. cap. 14.* *Treasurer of the County* for poor Soldiers. 25 El. c. 4. And most Corporations through the Kingdom, have an Officer of this Name that receiveth their Rents, and disburseth their common Expences, and is of great Credit among them.

**Treasurer in Cathedral Churches,** A Dignitary who was to take Charge of the Vestments, Plate, Jewels, Relicks, and other Treasure belonging to the said Church. But at the Time of the Reformation, when some who abhorred Idols did commit Sacrilege, and took away the infinite Treasure of Cathedral and Conventual Churches, then the Office was extinguished as needless in some Churches, as *York, Lincoln, Hereford*, but still remaining in *Salisbury, London, &c.*

**Treasure-trove, *Thesaurus inventus*,** Signifies in our common Law as it does in the Civil, *Veterem depositionem pecunie, cujus non extat memoria, ut jam Dominum non habeat*; with which Definition *Bracton* agrees: And though the Civil Law give it to the Finder, according to the Law of Nature, yet the Law of England gives it to the King by his Prerogative, or to some other who claim by the King's Grant, or by Prescription, as appears, *Bract. lib. 3. tract. 2. cap. 3. num. 4.* The Punishment for concealing Treasure found, is Imprisonment and Fine. *Staundf. Pl. Cor. lib. 1. cap. 42. Fitzherb. Abridgment, p. 187.* But if the Owner may any ways be known, then it does not belong to the King's Prerogative. *Britton, c. 17.* says 'tis every Subject's Part, as soon as he has found any Treasure in the Earth, to make it known to the Coroners of the County, &c. See *Kitchin, fol. 40. Anno 1 & 2. P. & M. c. 15.* This was anciently call'd *Findaringa*, of finding the Treasure. *Leg. H. 1. c. 11* See 3 *Inft. fol. 132.*

**Treasury,** It signifies sometimes the Place where the King's Treasure is reposit; and at other Times the Office of *Treasurer*.

**Lords of the Treasury,** Commissioners to execute the Office, when it is not committed to one single Person.

**Treat** Cometh of the French *Traire*, i. *emulgere*; or rather from *tractus* drawn, and signifies as much as taken out or withdrawn: As a Juror was challenged because he could not dispend Forty Pounds, and for that Cause he was *treate*, (that is, withdrawn) by the Statute. *Old Nat. Brev. fol. 159.*

**Trebuchet, (*Trebichetum*),** A Tumbrel, or Cucking-stool. 3 *Par. Inft. f. 319.* See *Tribuch.* It was also a great Engine to cast Stones to batter Walls. *Matt. Paris. Anno 1246. Per septem Trebuchetta ordinata, quæ tam de die quam de nocte in Castrum, &c. projicere non cessabant.* See *Trepget.*

**Tressa, (*Tressorium*),** Hair hanging in Tresses. *Amputentur eis Tressoria & tondentur.* *Fleta, lib. 2. c. 5. par. 4.*

**Treting.** See *Tribing.*

**Treet, (*Triticum*, i. e. Wheat.)** In the Statute of 51 H. 3. Bread of Treet seems to be that Bread which was made of fine Wheat. See *Cocket.*

**Tremagium, Tremisum, Tremesium,** The Season for sowing Summer-Corn about March the Third Month, to which the Word may possibly allude. For Corn sow'd in March is by the French call'd *Tremes* and *Tremois*, and sometimes *Mars* or *Marses*, which the Italians call *Martiolin* or *Martiol.* *Tremesium* was commonly opposed to *Hibernagium*, i. e. The Season for Summer-Corn, Barly, Oats, Beans, &c. to the Season for Winter-Corn, Wheat and Rye. — *Arabit unam acram, seminabit cum semine Domini, eandem herciabit, videlicet, dimidiam acram ad hibernagium & dimidiam ad tremagium, & caviabit de sceno Domini.* *Cartular. Glaston. MS. fol. 91. a.* — *R. Dei gratia Abbas Ecclesie S. Petri de Burgo. Noverit Universitas vestra Nos concessisse hominibus nostris de Tindele quod liberi sint & quieti — de secta balemotorum & sarclatura & de ferris levandis — arabunt semel ad hibernagium & semel ad tremeseum cum hoc quod habuerunt in carucis suis.* *Cartular. S. Petri de Burgo Swafham vulgo appellat. MS. f. 227.*

**Tremellum, i. e. a Granary,** 'Tis mentioned in *Mon. Angl. 1 Tom. pag. 470.* *Sciendum tamen est quod predicti monachi facient sectam molendini mei tam de blado suo quam hominum suorum; ita quod ipsi habeant primam molituram post bladum quod invenerint in Tremello, &c.*

**Tremuta, Treumia, Tremellum.** The Hooper or Hopper of a Mill, into which the Corn is put to fall from thence to the Grinding-stones. — *Do libere molere in molendino meo, ita quod immediate post bladum existens in treumia, quod vulgariter dicitur Ingranatum, eorum bladum moletur.* *Du Fresne in voce Treumia.* *Baldwin de Wake* to the Priory of *Deeping.* — *Sciendum tamen est quod predicti Monachi facient sectam molendini mei tam de blado suo quam hominum suorum — Ita quod ipsi habeant primam molituram post bladum quod invenerint in tremello.* *Mon. Angl. Vol. 1. pag. 470.* *So Wido de Meriton* in his Charter to the Knights Templars — *Concesserunt mihi Fratres unam libertatem ad suum molendinum, scilicet, molendini segetem pro multura reddenda pro segete qua est in tremuta.* *Paroch. Antiq. p. 120.*

**Trenatum.** *Usque ad Trencatum in Marisco.* 2 *Monast. f. 211. b.* A Trench.

**Trencheator.** (from the Fr. *Tran cher*, To cut,) A Carver of Meat at a Table, as we often find in the Patent-Rolls, Penfions granted by our Kings to *J. S. uni Trencheatorum nostrorum.*

**Trenchia, Trancia, Fr. trancher**, to cut. A Trench, or Dike newly cut. — In a Perambulation, 35 H. 3. — *De Mochenley usque ad quandam trenchiam qua vocatur Bythymesford.* Chartular. Abbat. Glaston. MS. fol. 97. a.

**Trental, Trentale**, An Office for the Dead that continued Thirty Days, or consisting of Thirty Masses, from the Italian *Trenta*, that is *triginta*, mentioned 1 Ed. 6. 14. See *Tricennalia*. *Et volo & ordino quod Executores mei ordinent seu ordinare faciant unum Trental pro salute anime mee.* Will proved, Anno 1456.

**Trepget**, A great Engine to throw Stones against a Wall in storming a Town. 'Tis mentioned in *Knighon*, Anno 1382. *Posuerunt etiam unam machinam magnam & unum Trepget, cum una magna Gunna.*

**Trespas, Transgressio**, Signifies any Transgression of the Law under Treason, Felony, or Misprision of either, *Staundf. Pl. Cor. f. 38.* where he says, That for a Lord of the Parliament to depart from the Parliament without the King's Licence, is neither Treason nor Felony, but *Trespas*. But it is most commonly used for that Wrong or Damage which is done either to the King in his Forest, or by one private Man to another; and in this Signification it is of two Sorts, *Trespas general*, otherwise termed *Trespas vi & armis*; and *Trespas special*, otherwise call'd *Trespas upon the Case*; and this seemeth to be without Force, howbeit sometimes they are confounded. How to distinguish the Forms of these Writs or Actions, see *F. N. B. fol. 86, 87.* In an Action of *Trespas*, the Plaintiff always sues for Damages, or the Value of the Hurt done him by the Defendant. There is also *Trespas local*, and *Trespas transitory*. *Trespas local* is that which is so annexed to a Place certain, that if the Defendant join Issue upon the Place, and traverse the Place only by saying *absque hoc*, that he did the *Trespas* in the Place mentioned in the Declaration, and aver it, it is enough to defeat the Action. *Trespas transitory* is that which cannot be defeated by the Defendant's Traverse of the Place, because the Place is not material; but Actions of *Trespas quare clausum fregit* ought to be local. *Bracton, lib. 4. cap. 34. num. 6.* divides *Transgressionem* in *Majorem & Minorem*. See also *New Book of Entries*, verb. *Trespas*.

**Trespasants** Is used by *Britten*, cap. 29. for Passengers.

**Trestornare**, To turn or divert another way; as *trestornare viam*, to turn the Road. *Rex Johannes in Carta concessa Hugoni Episcopo Lincoln.* — *Concessimus etiam quod trestornare possit viam qua se extendit a Kenelmeton versus Huntadon per quandam partem bosci de Buggeden.*

**Treswel** of double soled Shores, 2 & 3 E. 6. cap. 9. It should rather be written *Creswel*, signifying the broad Edge of the Shoe-sole round about.

**Tret.** See *Tart*.

**Treuga, and Truga**, a League, Truce, or Cessation of Arms. *Rex.* — *Scitis quod cum quidam inimici nostri regnum nostrum Anglia, cum posse non modico, presentibus Treugis non obstantibus, hostiliter ingressi fuerunt.* Rot. Parl. 5 H. 4. n. 24. See *Custos Treugarum*.

**Treuba, Trevia, Treuga.** — *A festivitatem S. Michaelis usque ad Festum S. Andreae treuva, (i. e. pax) erat in villa. Siquis eam infregisset inde Præpositus Regis accipiebat communem emendationem.* Lib. Domesdei. Chent. Dover. — *Pax Dei, que vulgo Trevia dicitur, sicut ipse Princeps Guillelmus eam in initio constituerat, firmiter teneatur.* Constit. Norman, A. D. 1080. — *Item diximus de treuga quod si aliquis vulnerat aliam, &c. treuga vero durat a die Mercurii postero usque ad diem Luna mano.* Cart. Dat. A. D. 1105. in *Brady Append. Hist. Engl. p. 44.*

**Trial, Triatio**, Is used for the Examination of all Causes civil or criminal, according to the Laws of the Realm, before a proper Judge; of which there are divers Kinds; as Matters of Fact shall be tried by the Jurors, Matters of Law by the Justices, Matters of Record by the Record itself. A Lord of Parliament upon an Indictment of Treason or Felony, shall be tried without any Oath by his Peers upon their Honours and Allegiance; but in Appeal at the Suit of any Subject, they shall be tried per bonos & legales homines. If ancient Demeine be pleaded of a Manor, and denied, this shall be tried by the Record of *Domesday*. *Bastardy, Excommungement, Lawfulness of Marriage*, and other Ecclesiastical Matters, shall be tried by the Bishop's Certificate. Of the ancient Manner of Trial by Combat and great Assise, see *Combat and Assise*. See also *Staundf. Pl. Cor. cap. 1, 2, 3.* And *Twelve Men*. *Triatio est exactissima litis contestata, coram Judice per duodecimvirale Sacramentum, exagitatio.* Pat. 3 R. Joh. m. 3. in fidelitate Leulini. *Statuitur de triatione differentiarum, dicti Leulini, &c.* 'Tis usual to ask the Criminal how he will be tried; which formerly was a very significant Question, but 'tis not so now, because formerly there were several Ways of Trial, viz. by Battel, by Ordeals, and by Jury. And when the Criminal answered the Question, *By God and his Country*, it shewed that he made Choice to be tried by a Jury. But now there is no other Way of Trial.

**Trial per Pais**, i. e. *Per Patriam*, by a Jury.

**Tribuch and Trebuchet, Terbuchetum**, A Tumbril, or Cuckingstool; *Hæc omnia concedimus Deo & Ecclesie Sancti Albani cum Soca & Saca on Strond and Sireme, on Wude and Feld, Toll & Teym, Tribuch, Hamsken, Murdre, Forstal, &c.* Carta Joh. Regis, Dat. 11. Jun. anno Regni 1.

**Tribunculus**, The same with *Trepget*.

**Tricennate**. See *Trental*.

**Tricesima**, An ancient Custom so called in the Borough of Bromyard in *Cem. Heref.* because Thirty Burgesses paid 1 d. yearly Rent for their Houses to the Bishop who is Lord of the Manor. *Lib. niger Heref.*

**Trigintale**. See *Trental*.

**Tricennalia, Trentals**, Months, Minds or Masses said for the Dead during Thirty Days, or one Month after their Decease. — *Inhibemus quoque districtius ne aliquis Rector Ecclesie faciat hujusmodi pacem cum suo Sacerdote, videlicet, quod ipse Sacerdos præter cetera stipendia poterit recipere Annualia ut Tricennalia.* Constitut. Rob. Episc. Linc. Apud. Append. ad Fascicul. p. 411.

**Tridingmot**, The Court held for a Triding or Trithing. In the Charter of *Hrn. 1.* to the Church of *St. Peter in York.* — *Nemo de terra Canonicorum S. Petri Wapentacmot, nec Tridingmot nec Shirefmoit sequebatur, sed calumpnians vel calumpniatus ante osti-*

um Monasterii S. Petri restitutum & recipiebat & faciebat. — MS.

**Trithing** and **Trithing**, *Trithinga* contains Three or Four Hundreds, or the Third Part of a Shire or Province: Also a Court held within that Circuit, which was the same we call a *Court-Leet*, which is above a *Court-Baron*, and inferior to the *County-Court*. See *Cambden*, pag. 102. Breve de *Attornato de loquelis*, &c. Regist. 266. Provisum est quod quilibet liber homo libere possit facere *Attornatum suum* ad loquelas prosequendas & defendendas motas in *Trithingis*, *Comitatibus*, *Wapentachiis* & aliis *Curiis* sine brevi nostro, Sur le Statute de *Merton*, c. 10. Fiat autem *Vifus Francii Plegii* sic, viz. quod pax nostra teneatur & quod *trithinga* sit integra, sicut esse consuevit. Mag. Charta, cap. 36. See *Fleta*, lib. 2. cap. 61. Sect. Final. & Origin. Jurisd. fol. 26. See *Lath*. See *Pupilla oculi*, part. 5. cap. 22. and *Roger Hovenden*, parte poster. suor. annal. fol. 346. See *Lath*. Et volo quod dicti *Monachi* sint quieti & soluti ab omni scotto, Geld, auxiliis vicecomitum, *Hydagio*, & a secta in *Schiris*, *Wapentachiis*, *Hundredis*, *Trithingis*, & omnimodis aliis *Cariis* & seculi oneribus universis. Charta *Ealdredi Regis* Anno 941. Abb. & *Monachis Croiland*, V. vitam *Alfredi*, fol. 79.

**Triumchi**, The English Saxons call'd the Month of May by this Name, because they milked their Cattle Three Times every Day in that Month. Beda de ratione Temp. c. 19.

**Trijugum**, A *Trithing*. or Jurisdiction of Three Hundreds. — Similiter in quinque centuriatibus, dimidio de *Wichelave*, & uno & dimidio de *Dyrham* & in trijugo de *Wines-tune*. Histor. Eliens. edit Gale. lib. 2. cap. 2. See *Triumvir*.

**Trinity-House** Is a House at *Deptford*, which belongs to a Company or Corporation of Seamen, that have Power, by the King's Charter, to take Knowledge of those that destroy Sea-marks, and to redress their doings; as also to correct the Faults of Sailors. &c. and to take care of divers other Things belonging to Navigation, and the Seas. Anno 8 El. 13. and 35 El. 6.

**Triniumgeld**, (Sax. *Dri-nigongild*, i. e. Ter nona solutio.) *Grandis delicti compensatio, quæ non absoluitur nisi ter novem gildis*, i. e. solutionibus.

**Trinke** Is a Kind of Net or any Engine to catch Fish withal. Anno 2 H. 6. c. 15.

**Trinobantes**. *Middlesex* and *Essex*.

**Trinoda Necessitas**, A Threefold necessary Tax or Imposition, to which all Lands were subjected in the Saxon Times, i. e. toward the Repairing of Bridges, the Maintaining of Castles or Garrisons, and an Expedition to repel invading Enemies. In the Grant and Conveyance of Lands, they were many Times exempted from all other secular Service. — Excepta trinoda necessitate — Exceptis his tribus, Expeditione, Pontis & Arcis constructione. Paroch. Antiq. pag. 46. See *Pontage*.

**Triours** Are such as be chosen by the Court to examine whether a Challenge made to the Panel, or any of the Panel, be just or no. Bro. Tit. Challenge, fol. 122. and Old Nat. Brev. fol. 158.

**Tripodium**. Leg. H. 1. cap. 64. In quibus vero causis triplicem *Ladam* habere, ferat iudicium *Tripodii*, i. e. 60. Solid. The Meaning is, That as for a small Offence, or for a trivial Cause, the Composition was Twenty Shillings; so for a great Offence, which was to be purged *Triplici Lada*,

the Composition was to be Three Times Twenty Shillings, viz. *Tripodio*.

**Tripontium**, *Torcester*.

**Triroda terræ**, A Quantity of Land containing Three Rods or Perches. — Dedit unam trirodam terræ arabilis, quæ est fofera cum pertinentiis in *Staundford*, MS. Chart. penez *Eliam Ashmole*, Ar.

**Trisantonis Portus**, *Southampton*.

**Trista**, A Post or Station in hunting. — In quo Rex cum ceteris superior constitisset, secundum legem venandi, quam vulgus *tristam* vocant, singulis proceribus cum suis canibus singula loca delegat, ut obfessa undique beſtia, ubicunque eligeret exitum, inveniret exitum, &c. Decem Scriptores, f. 307. Servitium vel Officium plane sapit, fiducia mixtum; Origo, ni fallor, a *nostratum* *Trust*. Gloss. in x. Scrip. See *Tristis*.

**Tristis**, *Tristis* & *Trista*, From *Traiff*, i. *Trust*, Is an Immunity, whereby a Man is freed from his Attendance on the Lord of a Forest, when he is disposed to chase within the Forest, and shall not be compelled to hold a Dog, follow the Chase, nor stand at a Place appointed, which otherwise he might be, under Pains of *Amercia*ment. *Manwood*, part 1. pag. 86. Et sint quieti, &c. de *Chevagio*, *Hondperry*, *Buckſall*, & *Tristis*, &c. de omnibus misericordiis, &c. Privileg. de *Semplingham*, 4 Inst. f. 306.

**Trithing-Reve**, The Third Part of a County, or Three or more Hundreds or *Wapentacks*, were called a *Triding* or *Trithing*, such Sort of Portions are the *Laths* in *Kent*, the *Raper* in *Suffex*, and the *Ridings* in *Yorkſhire*. And those who governed these *Trithings*, were thereupon called *Trithing-Reves*, before whom were brought all Causes that could not be determined in the *Wapentakes*, or Hundreds. See *Spelman* of the ancient Government of England, pag. 52.

**Tristega** Was the uppermost Room in a House; a Garret or Room Three Stories high. 'Tis mentioned in *Mat. Paris*. anno 1247. Habebat nempe in ipsa navi, sicut de arca Noe legitur, diverticula & *Tristegas*, cameras & conclavia.

**Triumvir**, A *Trithing-Man*, or Constable of Three Hundreds. — Nec mora adest *Thord*. cum *Centurionibus* & *Triumviris* & *Praconibus*. Histor. Eliens. cap. 42.

**Tronage**, *Tronagium*, Is a Custom or Toll taken for weighing of Wool. *Fleta*, lib. 2. cap. 12. sect. Item, *Ulnas*, says, That *Trona* is a Beam to weigh with, mentioned in *Westm.* 2. cap. 25. See *Pesage*. *Monasticon*, 1 Tom. 976. Et sint quieti de omni pavagio, picagio, terragio, tronagio, pontagio. And indeed *Tronage* was used not only for the Custom or Toll in the Weight of Wool, but for the Weighing of it in a Staple or Publick Mart, by a common *Trona* or legal Standard. This *Trona* or Beam for the *Tronage* of Wool, was fixed at *Leaden-Hall* in *London*.

**Tronatoz**, From *Trona*, i. *ſatera*, An Officer in the City of *London*, who weighs the Wool that is brought thither. See his Oath in the Book of Oaths, f. 231.

**Troper**, *Troperium*, *Troparium*, A Book of alternate Turns or Responses in singing Mass, called by *Lindewode*, *Liber ſequentiarum*. *Thomas Becket* Archbishop of *Canterbury* pleaded — Nulla justitia defuit *Johanni* in curia mea, sed ipse (nescio nunc consilio, an propria voluntatis motu) attulit in curia mea quendam *Toper*, (it ought to be *Troper*) & juravit super illam, quod ipse pro defectu justitie a curia mea recessit — R. de *Hoveden* Hist. p. 283.

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**Trover** Cometh of the French *Trouver*, i. *invenire*, is an Action which a Man hath against one, that having found any of his Goods, refuseth to deliver them upon Demand. See the *New Book of Entries*, verb. *Trover*. Actions of Detinue are of late much turned into Actions upon the Case. *Sur Trover & Conversion*, Preface to *Roll's Abridgement*.

**Troy-weight**, (*Pondus Troje*.) See *Weight*. 'Tis called *Troy-weight*, from *Troyes*, a City in *Champaigne*, from whence it first came to be used here.

**Trua**, *Truega*, Fr. *Trucie*, a Sow. — *dedi terram cum restauramento unius porcarii de decem truis & uno verre* — In another Charter — *de decem suis & uno verre*. *Cartular. Abbat. Radinges. MS. fol. 93. b.*

**Trug**, or **Trug-Corn**. *Tres Trug frumenti vel avene faciunt 2 Bushels infra Præbendam de Hunder-ton in Ecclesia Heref. MS. de temp. E. 3.* In the black Book of Hereford we find *Truga frumenti* for that Measure of Wheat. And at *Lempster*, at this Day, the Vicar has *Trug-Corn* allowed him for officiating at some Chapels of Ease (as *Stoke* and *Docklay*.) within that Parish. Haply it may come from the Sax. *Trog*, which signifies a great hollow Vessel or Trough.

**Truncus**, A *Trunk* or wooden Box, set in Churches to receive the Oblations of pious and well disposed People; of which, in the Times of Popery, there were many at several Altars and Images, like the Boxes, which since the Reformation, have been placed nigh the Church-door, to receive all voluntary Contributions for the Poor. — *Collectum Ierosolymitanorum usibus destinandum truncus in singulis Ecclesiis adacta sera conclusit. Rad. de Diceto sub anno 1166.* These customary free-will Offerings that were dropt into these *Trunks* or Boxes, made up a good Part of the Endowment of Vicars before the Reformation, and thereby, as in many other Respects, made their Condition then better, than in later Times. In the Ordination of the Vicaridge of *Lancaster*, by *Henry Bowet* Archdeacon of *Richmond*, 1 *March* 1430. — *Vicarius habebit panis benedicti emolumenta secundum consuetudinem dictæ parochialis Ecclesiæ de Lancast. Oblationes quasunque ad truncos tam in dicta Ecclesiæ de Lancast. quam alibi infra parochiam ipsius Ecclesiæ factas.* — *Collectan. Matth. Hutton, S. T. P. ex Registris Archid. Richmond. MS.*

**Trussa**, A *Truss* or Bundle. Among the customary Services done by the Tenants in *Chefworth*. — *In vigilia S. Edmundi mittent pro infirmis in Elemosynaria sex rationabiles trussas straminis, & in vigilia Natalis Domini sex trussas, & in vigilia Pasche sex trussas.* *Ex Cartular. S. Edmundi. MS. f. 410.*

**Tuerobius Flubius**. *Twy* in *Wales*.

**Tuesia**. *Berwick upon Tweed*.

**Tufta**, A Cottage. *Omnibus, &c. Henricus Paulyn de Sancto Edmundo salutem.* — *Concessi redditum meum de Ricardo Piknot Spicero viii. den. per annum, pro tufta sua ubi manet — & de Rogero Filio Ricardo Carpentarii iiii. sol. per ann. pro tufta sua ubi manet in Hofenemanstretc.* — *Ex Cartular. S. Edmundi, MS. f. 188.*

**Tugge**, Ropes or Harnes, or Traces for drawing, from Sax. *getogan*, to tug, or pull, or draw. *In ferramentis ad carrucas emptis iii. sol. ii. den. in carrucis per vices emendandis iv. den. in jugis & tuggis ad idem*

*emptis ix. den.* — *Consuetud. domus de Farendon. MS. fol. 16.*

**Tumbrell**, *Tumbrellum*, *Turbichetum*, Is an Engine of Punishment, which ought to be in every Liberty that hath View of Frank-pledge, for the Correction of Scolds and unquiet Women. *Kitchin, fol. 13.* See *Cuckingsfool*, *New Book of Entries, Franchise 2.* *Et quo warranto 1.* *Item si aliquis qui in libertatem nostram, per assensum & consensum Comburgensium nostrorum admissus fuerit, secarit aliquod delictum, per quod ad poenam publicam seu vile Judicium, ut ad Collistrigium vel tumbrellum, vel aliquod aliud huiusmodi adjudicatus fuerit, pro perjurio reputabitur, & ipso facto amittet libertatem suam.* *MS. Codex de Leg. Stat. & consuetud. Burgi villæ Montgom. fol. 11.*

**Tun**, **Ton**, In the End of Words or Names of Places, signify a Town, Village, or Dwelling-place. From the Sax. *Tun*, *Sepes*, *Vallum*, *Villa*, *Vicus*, *Oppidum*: And this from the Sax. *Dun*, i. e. an Hill, where they formerly built Towns.

**Tun**, (*Tunellum*.) Is a Measure of Oil or Wine, containing Twelve-score and Twelve Gallons, or Four Hogheads. *Anno 1 R. 3. c. 12. 2 H. 6. cap. 11. and 12 Car. 2. cap. 14.* A *Tun* of Timber is 40 solid Feet; a Load 50. *Ex dono Will. de Braosa unum Tunellum vini rubri de tribus modis & dimid. in villa de S. ad Missas celebrandas. Mon. Angl. 3 Par. f. 8. a.*

**Tunger**, (*Sax. Tungerava*, i. e. *Villa præpositus*.) a Reeve or Bailiff. *Qui in villis (& quæ dicimus Maneris) Domini personam sustinet, ejusque vice omnia disponit & moderatur.* *Spelman.*

**Tunnage**, alias **Tonnage**, (*Tunnagium* and *Tonnagium*.) is a Custom or Impost due for Merchandise brought or carried in *Tuns*, and such like Vessels, from or to other Nations, after a certain Rate for every *Tun*. *Anno 12 H. 4. ca. 3. 6 H. 8. c. 14. 1 Ed. 6. ca. 13. 1 Jac. ca. 33. & 12 Car. 2. cap. 4.* It is sometimes used for a Duty due to the Mariners for unloading their Ships arrived in any Havens, after the Rate of so much a *Tun*. *Tonnage* and *Poundage* began in the 45th of Edward the Third. *Cottoni Posthuma, fol. 172.* See 4 *Inst. fol. 32.*

**Tunnocellum**, *Tinmouth*.

**Turbagium**. *Et decimam de Turbaggio de una Snathfeld. 1 Mon. fol. 632. b.* A Place where Turfs are digged; or the Liberty of digging Turfs.

**Turbary**, *Turbaria*, From *turba*, an obsolete Latin Word for a Turf: Is a Right to dig Turfs on another Man's Ground. *Kitchin, fol. 94.* And Common of Turbaria is a Liberty which some Tenants have by Prescription to dig on the Lord's Waste. *Turbaria* is also taken sometimes for the Ground where Turfs are digged. And you shall find an Assise brought of Common of Turbaria in 5 *Ass. Pl. 9. & 7 E. 3. fol. 43.* They likewise used *turbus* for the Turf, and *Turbarius* for the Turfary. *John de Gray*, Bishop of *Norwich*, grants the Monks of that Church this Liberty within his Manor of *Elmbam*, *Ut fodiant per visum & liberationem servientium illius turbos in turbaris ejus, in usus necessarios in domo sua propria apud Elmbam sine waste turbarii & sine omni venditione turbarum.* *Ex Registr. Ecclesiæ Norwic.*

**Turking** Is a Sort of Sky-coloured Cloth. 'Tis mentioned in the Statute 1 *Rub. 2. cap. 8.*

*Turme.*

**Turmerick, Turmerica,** Is the Root of an Herb growing in *Arabia*, medicinal against divers Diseases in Horses, and sometimes used for a Man also in Case of the yellow Jaundice. It is reckoned among the garbleable Drugs, *Anno 1 Jac. cap. 19.*

**Turn, Tourn,** Is the Sheriffs Court kept Twice every Year, viz. within a Month after *Easter*, and within a Month after *Michaelmas*. *Magna Charta, cap. 35. and 3 E. 3. cap. 15.* From this Court are exempted only Archbishops, Bishops, Abbots, Priors, Earls, Barons, all religious Men and Women, and all such as have Hundreds of their own to be kept. *Anno 25 H. 3. cap. 10. Britton, cap. 29.* calls it *Tour, id est, ambitus, circuitus*: It is a Court of Record in all Things that pertains to it. It is the King's Leet through all the Country, and the Sheriff is Judge, and this Court is incident to his Office. See *Crompt. Jur. fol. 230. and 4 Inst. fol. 260. See Fleta, lib. 2 cap. 52. and Mirrour of Just. lib. 1. cap. De turnes.* It is called the Sheriff's Turn, because he keeps a Turn or Circuit about his Shire, holding the same in several Places. *Sir Jo. Dodridge's Hist. of Wales, fol. 50. See Secta Regalis.*

**Turnetum, Tornetum,** A Tax or Acknowledgment paid to the Sheriff for holding his Turn or County-Court. — *Abbas & Conventus & Homines sui sunt ubiq; quieti de torneto, sed quo Warranto nesciunt.* — *Cartular. Abbat. Glaston. MS. f. 87. a.*

**Turney, or Tournament,** (French *Tourney, i. e. Decurforium*) Signifies a martial Exercise of Knights or Gentlemen fighting on Horseback one with another in Sport; and is thus defined, *Torneamenta dicuntur nundine vel ferie in quibus milites ex condicio convenire, & ad ostentationem virium suarum & audacia, temere congregari solent.* This Word is used in the Statute 24 H. 8. cap. 13. but the Thing it self is now disused. But anciently was of such Note among us, that it was used as a Kind of Epoch in publick Writings; as, *Habendum a Festo Sancti Michaelis proximum ante primum Tourneamentum fuit tempore Domini Regis Rich. Anno 1194.* *Charta penes Eliam Ashmole, Arm.* These martial Exercises were very frequent in former Days. The Intent was only to enure Men for the Wars; for they fought with blunt Weapons, and in great Companies: For which Reason it differed from another warlike Exercise, *Jufts*; for that was a single Combat by one Man against another.

**Turno Wrecemitem** Is a Writ that lies for those that are called to the Sheriff's Turn out of their own Hundred. *Reg. of Writs, fol. 173.*

**Turribulum, Thuribulum,** The Incense Pot or Smoaking Pan of Frankincense, used in the publick Devotions of the Church of *Rome*. — Among the common Ornaments of every Parish-Church, before the Reformation, was — *Turribulum cum navi.* — *Pæroch. Antiq. p. 598.* The Chorister or Boy who usually carried this *Thurible*, was called *Puer thuribularis*. And I have heard it a happy Conjecture of a most ingenious Friend, that a treble Voice in Musick was owing to the small and shrill Tone of the *Thuribular* or Incense-Boy. As the said Boy carrying a little tinkling Bell in one Hand, might possibly give the Name of *Treble* to the least Bell.

**Twaite** Signifies a Wood grubbed up, and turned to arable. *Co. on Lit. fol. 4.*

**Twanights Geste, Hospes duarum noctium,** If he did any Harm to any, his Host was not answerable for it, but himself. *Hoveden part. poster. suor. annal. fol. 345.* See *Third Night's awne-binde.*

**Twelshinous,** The same with *Thanus*. Amongst the English Saxons every Man was valued at a certain Price; and where an Injury was done either to the Person or Goods, a pecuniary Mulct was imposed, and paid in Satisfaction of that Injury; according to the Worth and Quality of the Person to whom it was done. And all Men were ranked into three Classes, which see in *Hindena*: Those who were worth 1200 s. were called *Twelshindi*; and if an Injury was done to him, Satisfaction was to be made according to his Worth.

**Twelve Men, Duodecim homines legales,** Otherwise called the *Fury* or *Enquest*, is a Number of Twelve Persons, or upwards, to the Number of Twenty-four, by whose Oath as to Matter of Fact all Trials pass, both in Civil and Criminal Causes, through all Courts of the Common Law in this Realm. First, in Civil Causes, when Proof is made of the Matter in Question, then the Point of the Fact (that they are to give their Verdict upon) is delivered likewise unto them, which we call the *Issue*; then they are put in mind of their Oath to do Right, and are by the Judges, who sum up the Evidence, sent out of the Court by themselves, to consider upon the Evidence on both Sides, until they be agreed, which done, they return to the Court, and deliver their Verdict by the Mouth of their Foreman; according to which (if the Matter be not arrested or stay'd by the Court) the Judgment passeth. See *Glanville, lib. 2. c. 14, 15.* In Causes criminal there are Two Sorts of *Enquests*, one called the *Grand Enquest*, the other the *Enquest of Life and Death*. The *Grand Enquest* is so called, either because it consists of Sixteen at the least, or else because all Causes Criminal or Penal pass first through them; whereas the other *Enquest* is especially appointed for one or few Matters touching Life and Death committed to their Consideration. Those of the *Grand Enquest* are called by *Bracton, Duodecim milites, lib. 3. tract. 2. cap. 1. num. 2.* Because they were wont to be Knights, if so many could be had: And their Business is to receive all Presentments of any Offence, and accordingly to give their Opinion generally, either by writing these Words, *Billa vera*, upon the Bill of Presentment; which is an Indictment of the Party presented; or else this Word *Ignoramus*, which is doubting of the Fact presented. Now as Criminal Causes be of Two Sorts, either capital or finable, so is there a double Course of these Indictments; for in Causes only finable, the Party indicted must either traverse the Indictment by denying it, and so it is referred to a *Petit Fury*, whereby he is either convicted or discharged of the Crime; or else if he confesses it, the Court setteth a Fine upon him without more ado. But in Matters of Life and Death, the Party indicted is commanded to hold up his Hand, and answer, *Guilty* or *Not Guilty*; if *Guilty*, he standeth convicted by his own Confession; if *Not Guilty*, he is farther referred to the Jury of Life and Death, who consider upon the Proof brought against the Prisoner, and accordingly bring in their Verdict; according to which he is either condemned or acquitted. Of this read more in *Indictment, Assise, Fury.* See the

the Stat. 35 H. 8. cap. 6. & 37 H. 8. 22. 2 E. 6. 32. and 5 Eliz. cap. 25.

**Twelfhende, Twibende, Twybind, Twybindman.** Under our Saxon Government all Persons had such an Estimate or Value put upon their Heads, according to their Quality or Degree, and according to such Estimation were reduced to their distinct Classis, Rank or Order. The lowest Order was that of the Ceorls or Husbandmen, who were valued at 200 Shillings, and called *Twibunde-men*: The Middle, that of the lesser Thanes or Free-holders, who were valued at 600 Shillings, and thence called *Syxbundemen*. The Highest, that of the Thanes or Noblemen, who were rated at 1200 Shillings, and called *Twelfbundemen*. For which, see the Laws of King Alfred, cap. 12, 30, 31, 32. and of King H. 1. cap. 76. and 87. — *Siqua Lucia vel ordinata persona, aut eorum quispiam, qui patria lingua Twelfhende vel Twibende nominatur, aliquam adversus Ecclesiam hanc voluisset calumniam machinari.* Hist. Ramef. Edit. Gale, cap. 57.

**Tyhtlan, Accusation, Impeachment, or Charge of any Trespas or Offence.** As in the Laws of King Ethelred, cap. 2. *Nec componat aliquis pro ulla tyhtlan, si non interfit testimonium Prepositi Regis.* There is a Mistake in the Laws of King Canute, as published by Brompton, cap. 56. *Siquis amicis destitutus vel alienigena ad tantum laborem venerit, ut plegium non habeat, in prima thilac* (it ought to be *tyhtlan*) *id est, accusatione ponatur in carcanna, & ibi sustineat donec ad Dei judicium eat.*

**Tylwith** Is a British Word signifying, *Familia, Famulitium, Tribus*, and is derived either from *Tyle*, i. e. *locus ubi stetit domus vel locus edificanda domui aptus*, or else from *Tylath*, which signifies *Trabs, tignus*: In the first Derivation it signifies a Place whereon to build a House, and in the second a Beam in the Building. And *Tylwith* is a Tribe or Family branching or issuing forth of another, which we in our English Heraldry call *Second or Third Houses*: So that in Case the great paternal Stock branched it self into several *Tylwiths*, or Houses, they carry no second or younger House his *Tylwith* farther; and the Use of these *Tylwiths* was to shew not only the Originals of Families, as if their Work had been merely to run over a Pedigree, but the several Distinctions and Distances of Birth, that in Case any Line should make a Failure, the next in Degree may make an unconfounded Use of their Interest, according to the Rules of Partition in *Gavelkind*.

**Tymlber of Skins** Is Forty Skins. Book of Rates, fol. 18.

**Tympany, Abbas & Monachi Rading.** — *sint quieti de tributis & lastagiis & stallagiis, de Thething-peny & Tympany, de summonitionibus de assisis & super assisis, &c.* In Memorand. Scac. de Anno 20 E. 3. int. Record. de Trin. Rot. 3. It is likewise written *Tympany*. Mon. Ang. 1 par. fol. 419.

**Tyne,** — *Puer quidam submersus in vase aquario quod Gallice Tyne vocatur.*

Liber de Miraculis Tho. de Cantilupe, Episcop. Hereford. MS. penes D. D. Will. Glynne Baronet-tum.

**Tytheg.** See *Tithes*.

**Tythla.** See *Tibla*.

V.

**V** Is a numeral Letter, and stands in reckoning for Five; and among the antient Romans was usually written alone as a *Pranomen*, as *M. V.* for *Marcus Valerius*, and the like; whereof, among Latin Writers, you may find plentiful Examples.

**Vacaria, A void Place, or waste Ground.** — *Dedimus omnia dominica nostra quae sunt in Com. Lan. cum vacariis & forestis de Wirefdale & Lounsdale.* Memorand. in Scacc. Mich. 9 Ed. 1. by Sir John Maynard.

**Vacation, Vacatio,** Is all the respective Time betwixt the End of one Term and the Beginning of another. When such Times began and ended in our Ancestor's Days, see Roger Hoveden's Annals, part. poster. fol. 343. where you shall find that this Intermission was called *Pax Dei & Ecclesie*. Also the Time from the Death of a Bishop, or other Spiritual Person, till the Bishoprick, or other Dignity, be supplied with another, is called *Vacation*. Westm. 1. cap. 21. & 14 E. 3. cap. 4, 5. See *Plenary and Non-Term*.

**Vacatura, A Voidance, or Vacancy, of any Ecclesiastical Benefice that shall hereafter happen.** As *prima vacatura*, the first Voidance, *proxima vacatura*, &c.

**Vacca lactearia, A Milch-Cow.** — *Et prater ea ad tres vaccas lactearias & ad unum Palefridum in mea dominica pastura.* Reg. Priorat. de Wormley, MS. f. 49.

**Vaccary, alias Vatchary, (Vaccaria, al. Vaccharia, Vachiria, and Vacheria)** Is a House or Place to keep Cows in. *Fleta, lib. 2. cap. 41. Domus sive locus quo vaccae aluntur, vel quo negotium quod ad eas attinet perficitur.* Spelm. a Dairy-House or Cow-Pasture. Without Warrant, no Subject may have a *Vaccary* within the Forest. *Crompt. Jur. fol. 194.* But in the Stat. 37 Hen. 8. cap. 16. *Vachary* seems to be a special Name of a certain Compass of Ground within the Forest of *Ashdown*. And we read of the *Vaccary of Wyresdale* in *Com. Lanc. Rot. Fin. 35 Edw. 3. m. 23.*

**Vaccarius, The Cow-herd, or Herds-man, who looks after the common Herd of Cows.** See his Office described in *Fleta, lib. 2. cap. 2.* This Officer is still in French called *Vacher*.

**Vachibia, A Vachary, a Dairy.** — *Dedit eis unam carrucatam terre. & unam vachiviam de 40 vaccis cum secta earum per tres annos, & pasturam ad 500 Oves cum secta earum per tres annos.* Mon. Angl. Tom. 3. p. 15.

**Vadium, Wages, Salary, or other Reward of Service upon Compact or Covenant.** — *Philippus Episcopus Elien. &c. Noveritis nos concessisse Waltero Earnham officium custodis palatii nostri Elien. & 11 denarios per diem pro vadiis suis pro officio supradicto.* Dat. 1. Apr. 7. H. 6. — *Ex Cartulario Eccl. Elien. MS. penes Joh. Episc. Norwic. f. 56.*

**Per Vadium ponere, To take Security, Bail, or Pledges for the Appearance of a Delinquent in some Court of Justice.** — *Edwardus Rex Vicecomiti Oxen. Salutem, Praecipimus tibi sicut alias tibi praecipimus quod ponas per vadium & filios plegios Johannem de Burey.* Paroch. Antiquit. pag. 334.

In *Vadio* exponere, To pawn, or leave any Equivalent as a Pledge or Surety of returning Money borrowed or owing: In *vadium* ponere, has the same Sense.

*Vadium mortuum*, Literally a Mortgage, Lands or immoveable Goods so pawned or engaged to the Creditor, that he has a Right to the mean Profits for the Use of his Loan or Debt. See *Glanville*, lib. 10. cap. 8.

*Vadiare duellum*, To wage a Combat; that was when a Person challenged any other to decide a Controversy by Camp-Fight or Duel, and threw down a Gauntlet, or the like Sign of Defiance, which if the other took up, this was *vadiare duellum*, as it were to give and take a mutual Pledge of fighting.

*Vadlat* Seems to be the same with *Valest*. *A tous ceus que cetes lettres verront ou orrent Gilbert Talbot salut en dieu. Sachez moy aver assignez & plein poer done a mon cher Vadlat, Johan de Lunhales de purchaser en mon nom dis Liveres de terre a leste en Counte de Hereford, & la seisine la terre reserver & en mon nom continuer, tanquil eit autre mandement de moy. En tesmoigniance, &c. dat. 10 Martii. 1 Ed. 3. Ex Regist. Priorat. de Wormley penes Edw. Harley, mil. Balnei.*

*Vadum*, A Ford, or wading Place, and are to ford or wade over. *Vadibilis*, fordable or passable. But I have seen it thus used, — *Et quod homines sui faciant fidelitatem ad Vadum Parci predicti R. Carta antiqua.*

*Waga*, The River Medway.

*Vagabond*, (*Vagabundus*) One that wanders about, and has no certain dwelling; an idle Fellow. Rogues, *Vagabonds*, and sturdy Beggars, mentioned in divers Statutes. — *De Vagabundis & aliis hominibus mendicantibus, qui se nominant Traveling-men, &c. Carta 22 Hen. 6. m. 34. n. 36. Item utimur, quod nullus Vagabundus vagetur seu deambulet de nocte in villa seu suburbio ejusdem post pulsationem Campana nostra communis, vocata Coverfu; & si aliquis ibidem capiatur post pulsationem dicta Campana, ducatur ad Gaolam Domini Regis, & ibi morabitur usque in crastinum, ut notitia persona sua habeatur, & emendas faciat ad voluntatem Ballivorum & Comburgensium, & per Balivos Capitales liberetur, si hoc petat. MS. Codex de Legibus & Statutis Burgi-villæ Mountgomer. a tempore Hen. 2.*

*Vagantes* For *Vacantes*. *Concilium Worm. cap. 32. De Episcopis & Presbyteris Vagantibus qui Parochias non habent, &c.* So *Vagantes terre* are forsaken and uncultivated Lands.

*Wage*. See *Waga*.

*Vagipalantes*, The same with *Vagans*. *Leg. H. 1. cap. 83. Si quis in hostem suum incidat vel Vagipalantem, &c.*

*Vagniaræ*, Maidstone in Kent.

*Valet*, *Valet*, or *Vadelet*, *Vadlat* and *Vallet*, (*Valettus* vel *valesta*. *Qui juxta dominum vadit seu ministrat. French Valet.*) A Servitor, or Gentleman of the Privy-Chamber, according to *Cambden*. But *Selden* (in his *Titles of Honour*, fol. 831.) says, *Valets* antiently signified the young Heirs which were to be Knighted, or young Gentlemen of great Descent or Quality, but now attributed to those of the Rank of Yeomen. In the Accounts of the *Inner Temple* it is used for a Bench-er's Clerk, or Servant; the Butlers of the House corruptly call them *Valets*. In *Reg. of Writs*, 25. b. *Valettus*. If the Sheriff be a *Vadelect* of the Crown, &c. *Coke on Littl.* fol. 156. *Sciant* —

*Quod ego Henricus Comes Lancastrie, Leicestr. & Nichol. Senescallus Angliæ Dedimus* — *Dilecto Valetto nostro Johanni le Blount novem acras terre cum pertin. in Holland in Foresta nostra de Duffeld, &c. Dat. apud Hegham Ferrers 3 die Junii 5 Ed. 3. Penes Wal. Kirkham Blount, Bar.*

*Valet* Was antiently a Name specially denoting young Gentlemen, though of great Descent or Quality, but now given to those of the Rank of Yeomen. *Selden's Titles of Honour*, fol. 831. *De dominabus & de Valectis & puellis, que sunt vel esse debent in donatione Regis, & de valentiis terrarum suarum; & si quis eorum vel earum sit maritatus, &c. Brañton*, lib. 3. *Trañt. de conn.* cap. 1. par. 3. So in the same Chapter, *De valettis integrum feodum militis habentibus*, which shews that *valetti* were the Sons of Men of Quality. So *Fortescue in Laud. Leg. Angliæ*, cap. 29. *Sunt valeti plurimi in regione illa qui plusquam sexcenta scuta expendere possunt, &c.*

*Valentia*, i. e. The Value or Price of any Thing. *Malmesbury in vita, S. Adhelmi*, cap. 10. *Hoveden*, pag. 783. See *Value*.

*Waletheria*, i. e. The Kindred of the Slain, one on the Father's Side, and another on the Mother's Side, to prove that he was a *Welsman*: It is mentioned in *Statuto Walliæ*, Anno 12 E. 1. cap. 4. *Proxima 4 villata propinquiores loco, ubi casus homicidii contigerit, veniant ad proximum Comitatum una cum inventore & Waletheria, i. e. parentale interfetti, & ibi presentent factum feloniam, &c.*

*Wallum*, The Pits Wall.

*Value*, *Valentia*, *Valor*, Is a known Word, yet *West* in his *Symbol*, part 2. *Tit. Indictments*, sect. 70. nicely distinguishes between *Value* and *Price*: His Words are these: The *Value* of those Things in which Offences are committed, is usually comprised in *Indictments*, which seems necessary in *Theft* to make a Difference from *Petit Larceny*, and in *Trespass* to aggravate the Fault, and increase the Fine: but no *Price* of Things *feræ nature*, may be expressed, as of Deer, Hares, &c. if they be not in Parks and Warrens, which is a Liberty. Anno 8 E. 4. fol. 5. nor of Charters of Land. And where the Number of the Things taken are to be expressed in the *Indictment*, as of young Doves in a Dove-house, young Hawks in a Wood, there must be said (*pretii*) or (*ad valentiam*) but of divers dead Things *ad valentiam*, and not *pretii*; of Coin not current it shall be *pretii*; but of Coin current it shall neither be said *pretii* nor *ad valentiam*, for the *Value* and *Price* thereof is certain.

*Value of Marriage*, *Valore maritaggi*, Was a Writ that lay for the Lord, having proffered covenable Marriage to the Infant, without Disparagement, if he refused to take the Lord's Offer, to recover the *Value* of the Marriage. *Reg. Orig.* fol. 164. *Old Nat. Brev.* fol. 90. See *Palmer's Case*, Co. lib. 5. fol. 126. and the Statute 12 Car. 2. cap. 24.

*Vang*, He *vanged* for me at the Vant, i. e. he stood for me at the Font. The Word *Vanga* also signifies a military Weapon like a Spade. *Gervaf. Dorob.* Anno 1198. *Unde factum est ut russici imperiti Vangis & fossarii assueti, armis militaribus gloriantur inviti, &c.*

*Vana*, In the Ordination of the Vicarage of *Ayskerth*, made 27 Apr. 1423. — *Vicarius percipiet* — 16 acras terre in campis de *Ayskerth* prope eandem Ecclesiam constitutas, prout jacent in eisdem campis de *Ayskerth* simul in longitudine ab extremitate orientali



orientali de le Mankefeto versus occidentem & le Gille usque vanam fere usque ad Midilkenele in le Sour myre eynge, &c. Collectan. Math. Hutton, S. T. P. ex Registris Archid. Richmond.

**Vantarius, Præcursor, As Vantarius Regis,** the King's Fore-footman: *Richardus Ro-kelle miles tenebat terras Seatonie per Serjantiam esse Vantarium Regis in Gascoigne, donec perusus fuit pari solutarum pretii 4 d. i. dum triuisset par calceorum pretii 4 d. Rot. de finibus, Term. Mich. 2 Ed. 2.*

**Vannys, Saxon Fana. Latin Vannus. A Fane** or Vane, a versatile Ornament on the Top of a House, or other Building, to shew the turning and sitting of the Wind. — *Cum duobus ventilogiis, videlicet, vannys de Tyn emptis de fabro de Oterlon ponendis super utrumque finem predicti dormitorii v fol. ii den. Paroch. Antiquit. pag. 575.*

**Vares, i. e. Mus ponticus,** Whose Skin is good Fur.

*Et quas huc mittit varias Hungaria pelles.*

It is mentioned in *Hoveden, pag. 642. Et quod nullus post proximum pascha utatur Vario, vel griso, vel sabellino, vel escarlata.*

**Wargi.** See *Wargi.* Persons outlawed, who live by Robbery. *Cambden* in his *Britannia*, tells us, that the Britons called a Rogue or Robber *Verjad*, from whence this Word proceeds.

**Variance, Variatio,** Signifies an Alteration, or Change of Condition, after a Thing done: As the Commonalty of a Town make a Composition with an Abbot, and after obtain Bailiffs by Grant from the King. In this Case, if the Abbot commence any Suit for Breach of the Composition, he must vary from the Word (Commonalty) set down in the Composition, and use *Bailiffs and Commonalty.* Bro. *Tit. Variance, fol. 292.* It is also used for an Alteration of something formerly laid in a Plea. See *Variance* in the *New Book of Entries.*

**Wargis, Bodvay** in *Flintshire.*

**Warlets,** By a repealed Statute of 20 Rich. 2. cap. 2. were used for Yeomen or Yeomen-Servants. See *Valeffs*, and the Statute 3 Car. 1. cap. 4. *Will. Hunt Varlet del Chambre nostre Seigneur le Roy. Claus. 12 R. 2. M. 43. in Dorso.* I suppose it miswritten for *Valet.*

**Vaslet, Vaslettus,** Seems to signify a Ward, as appears by a Par. 1 H. 3. in *Dorso M 13. Concordia inter Regem & Radulphum de Normanvil, viz. quod Rad. tenebit in servitio Regis Geroldum & Radulphum milites filios suos, quamdiu guerra sua duraverit, per sic, quod Rex ei remittat 200 Marcos quas debebant Regi Johanni de fine pro redemptione dicti Geroldi & per sic deberetur; Thomas filius dicti Radulphi Vaslettus in custodia Regis, qui similiter morabatur in servitio Regis cum predictis Geroldo & Radulpho fratribus suis.*

**Vassal, Vassallus** Signifies him that holds Land in Fee of his Lord, we call him more usually a *Tenant in Fee*, whereof some owe Fidelity and Service, and are called *Vassalli Fideles*. *Skene de verbor. signif. verb. Ligeantia*, saith, that *Vassallus* is divided into *Homologum & non Homologum.* *Homologus* is he that sweareth Service with Exception of a higher Lord, and *non Homologus* is he that sweareth without Exception, all one with *Ligeus*. And the same Author, *verb. Vassallus*, saith, that it is *Vassallus quasi Bassallus, i. inferior socius*, because the *Vassal* is inferior to his Master, and must serve and reverence him; and yet he is in a Manner his Companion, because each of them is obliged to the other.

**Vassaleria, Vassalage, or Tenure of Vassals.**

**Vasto** Is a Writ that lies for the Heir against the Tenant for Term of Life, or of Years, for making Waste; or for him in the Reversion or Remainder. *E. N. B. fol. 55. Reg. Orig. fol. 72. & 76. and Reg. Judic. fol. 17, 21, 23, & 69. Vide 6 E. 1. cap. 5.*

**Vastum, A Waste** or Common lying open to the Cattle of all Tenants who have a Right of Commoning. — *Thomas de Fekenham debet Regi quinque marcas & unum palefridum, sic quod inquisitio fiat utrum membrum illud de manerio de Brubal; quod idem Thomas tenet, debeat participare de vasto manerii de Brubal ratione communis ejusdem manerii in quo communi nihil habent ut dicunt. Paroch. Antiq. p. 171.*

**Vastum forestæ vel bosci,** That Part of a Forest or Wood, wherein the Trees and Underwood were so destroyed, that it lay in a Manner Waste and Barren. *Sciatis quod de vastis nostris in foresta nostra de Bernewode in Com. Buck. dedimus, &c. Paroc. Anti. p. 351. Si boscus Domini de Pidinton abeat in vastum, tum acquiescunt Dominum pro dictis houbote & heybote. Ibid. p. 497.*

**Vavasor, alias Valsasor,** Is one that in Dignity is next to Baron. *Cambd. Brit. pag. 109. Bracton, lib. 1. cap. 8.* says thus of them, — *Sunt & alii potentes Regni, qui dicuntur Barones, hoc est, robur Belli: Sunt & alii qui dicuntur Vavasores, viri magna dignitatis. Vavasor enim nihil melius dici poterit quam vas sortitum ad valetudinem.* And *Cambd. pag. 188.* says, *Primis etiam Normannorum temporibus & Thani proximi a Comitibus in dignitate censebantur, & Vavasores majores (si illis qui de feudis scribunt, credimus) iidem fuerunt Barones. Rex, &c. Ballivis Petri de Pratellis de Insula Gerse & Gernse, &c. volumus — quod Episcopi, Abbates, Abbatissa, Clerici, Milites, Vavasores, & alii qui redditus & tenementa habent in insula Gerssey, &c. quintam partem reddituum suorum unius anni, &c. præbeant ad sustentandum milites & servientes qui predictas Insulas defendunt. Pat. 5 Reg. Johannis, m. 7: See more largely of these in *Spelman's Glossary.**

**Vavasory, Vavasoria, The Lands** that a *Vavasor* held — *Quod dicitur de Baroniam non est observandum in Vavasoria vel aliis minoribus feodis quam Baroniam, quia caput non habent sicut Baroniam. Bract. lib. 2. cap. 39.*

**Vautrier, (Fr. Vaultrier, Lat. Veltrarius)** A Man that leads a Lime-hound or Grey-hound for the Chase, a Huntsman. *Es. b. 34 Edw. 1. n. 37. Kam.* Hence our corrupted Word *Fenteer*, for a Dog-keeper.

**Veal Money, or Veal Noble Money.** The Tenants of one of the Tithings within the Manor of Bradford in *Wiltshire*, pay a yearly Rent by this Name to their Lord, the Marquess of Winchester, which is in Lieu of *Veal* paid formerly in Kind.

**Werra Fluvius, The River Werra** in the Bishoprick of *Durham.*

**Viewour, Visores,** May be derived from the French *Voir, videre, intueri*, are such as are sent by the Court to take View of any Place in Question, for the better Decision of the Right. *Old Nat. Brev. fol. 112.* So likewise *Bracton* uses it, *lib. 5. tract. 3. cap. 8.* It signifies also such as are sent to view those that essoin themselves *de malo lesi*, whether they be in Truth so sick as they cannot appear, or whether they counterfeit. *Bract. lib. 5. tract. 2. cap. 10 & 14.* Lastly, It is

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used

used for those that are appointed to view an Offence, as a Man murdered, or a Virgin ravished. See *View*.

*Veltraria, Ministerium de Veltraria*, The Office of Dog-leader or Courser. — *Henricus de la Mura reddit computum de 281. 6s. 8d. pro ministerio Patris sui de Veltraria*. Rot. Pip. 5 Steph.

*Veltrarius*, One who leads Greyhounds, which Dogs in Germany are called *Welters*, in Italy *Veltro'i*, in France *Viautres*, *Vautres*. — *Bertram de Criol tenuit manerium de Setene in Com. Cant. per servitium inveniendi unum Veltrarium qui tres canes duceret in Vasconiam quoties Rex transfretaret*. — Blount of *Tenures*, pag. 9. The corrupted Word *Festerer* is still in some Parts of England used for a Dog-keeper.

*Velum quadragesimale*, A Veil or Piece of Hanging drawn before the Altar in *Lent*, as a Token of Mourning and Sorrow. — *Item ad quodlibet altare, cum contigerit missam inibi celebrari, sint superpellicea duo, & unum rochetum; velum quadragesimale, velum nuptiale, palla mortuorum, &c.* Synod. Exon. anno 1217. cap. 12.

*Veneria* Are those Beasts which are caught in the Woods by hunting. *Leg. Canut. cap. 108. Et omnis sit venatione sua dignus in nemore, &c. & absterneat ab omnibus venariis Regis, &c.*

*Venatio*, The Word was sometimes used for the Exercise of Hunting, but more often for the Prey taken, or Venison. If any hunted without License within the Liberties of the King's Forests, a severe Penalty was imposed at the next Swainmote; which Fines and Amercements were not allowed to the Forester, but commonly reserved to the King. So when *William Fitz-Nigel* enjoyed several Privileges as Forester of *Bernwode*, it was — *Exceptis Indiscentis de viridi & venatione, qua Domino Regi omnino reservabantur*. — *Paroch. Antiq. p. 75.*

*Venditioni exponas* Is a Writ Judicial, directed to the Under-Sheriff, commanding him to sell Goods which he hath formerly by Commandment taken into his Hands, for the satisfying a Judgment given in the King's Court. *Reg. Judic. fol. 33. and anno 14 Car. 2. cap. 21.*

*Venditor Regis*, The King's Seller or Salesman; the Person who exposed to Sale those Goods and Chattels which were seised or distrained to answer any Debt due to the King. — *Philippus de Lardiner clamat esse Venditorem Domini Regis de feodo in Com. Ebor. de omnibus rebus que vendi debent pro debito Domini Regis, vel etiam pro Auro Regine: Ita, videlicet, quod ipse vel certus suus Attornatus ibit ad mandatum Vicecomitis de loco in locum infra Com. sumptibus suis ad predictas venditiones faciendas; & capiat de unaquaque venditione pro feodo suo xxxii den. Quo Warrant. Ebor. temp. Ed. 1. Which Liberty was afterwards seised into the King's Hands for the Abuse thereof, as appears by the great Roll in the Pipe-Office. Anno 2 Ed. 2.*

*Venefia* Is a narrow or strait Way: It is mentioned in the *Monast. 1 Tom. pag. 408. Qua quidem terra incipit ad caput cujusdam venellæ qua quondam jacuit, &c.*

*Veneti*, North-Wales.

*Venia* Is a Kneeling or low Prostration on the Ground used by Penitents. *Walsingham, pag. 196. Rege interim prostrato in longa venia.*

*Per venias Centum verrunt barbis pavementum.*

*Venire facias* Is a Writ Judicial directed to the Sheriff, and goeth out of the Record, and lies where Two Parties plead, and come to Issue; for then the Party, Plaintiff or Defendant, shall have this Writ directed to the Sheriff, to cause Twelve Men of the same County, to say the Truth upon the Issue taken. And if this Enquest come not at the Day of the Writ returned, then shall go a *Habeas Corpora*, and after a Distress, until they come. *Old Nat. Brev. fol. 157.* See how diversly this Writ is used in the Table of the *Register Judicial*. There is also a Writ of this Name, that is *Original*, as appears in *Reg. Orig. fol. 200.* Which *Lamb.* in his *Processus* annexed to his *Eirenarcha*, says is the common Process upon any Presentment, not being Felony, nor specially appointed for the Fault presented by Statute, whereof he sets down an Example in the same Place. See also the *New Book of Entries, verb. Enquest, fol. 253. and 35 Hen. 8. cap. 5.*

*Venire facias tot matronas*. See *Ventre inspiciendo*, and *Lamb. Eirenarcha, lib. 4. cap. 14. p. 532.*

*Venitarium*, The Hymn-Book or Psalter, wherein the Psalm *Venite exultemus Domino* was wrote with musical Notes, as it was to be sung at the Beginning of Matins. In the Statutes of the Cathedral Church of *St. Paul's* in *London* it was ordained, *Ut Vicarii de novo recepti & in posterum recipiendi singulis diebus infra annum probationis sue unum Nocturnum Psalterii ita dicant & attente & ymnarium ac communem Sanctorum historiam, Invitatoria, & Venitarium, adeo diligenter interea repetant quod ea corde tenus otius habeant.* *Liber Stat. Eccl. Paul. MS.*

*Venones*, *Higbrofs.*

*Venta Belgarum*, *Winchester.*

*Venta Hcenozum*, *Castor near Norwich.*

*Venta Silurum*, *Caerwent in Monmouthshire.*

*Ventoziun*, A Wind-Fan for winnowing Corn.

*Idem computat in panno ad sacos & ad ventorium empto iii sol. vi den.* — *Consuetud. domus de Farendon, MS. f. 16.*

*Ventre inspiciendo* Is a Writ for the Search of a Woman that saith she is with Child, and thereby with-holdeth Land from him that is next Heir at Law. *Reg. Orig. fol. 227.*

*De Ventre inspiciendo*, Form and Process of it. *Thomas de Aldham* of *Surrey*, Brother of *Adam de Aldham*, claimed his said Brother's Estate, but *Joan* Widow of the said *Adam* pleaded she was with Child; whereupon the said *Thomas* obtained this Writ of the King to the Sheriff. —

*Quod assumptis tecum discretis & legalibus militibus & discretis & legalibus mulieribus de comitatu tuo in propria persona accedas ad ipsum Johannam, & ipsam a predictis mulieribus coram prefatis militibus videri facias, & diligenter tractari per ubera & per ventrem, & inquisitionem factam certificari facias sub sigillo tuo & sigillo duorum Militum Fusitarius nostris apud Westm. T. M. de Pateshal apud West. xv Feb. Claus. 4 H. 3.*

*Ventrix*, For *Ventilatrix frumenti*. *Fleta, 2 lib. cap. 82.*

*Venue* or *Venew*, *Vinetum* alias *V'snetum*, Is taken for a neighbouring Place, *Locus quem vicini habitant*. For Example, Twelve of the Assise ought to be of the same *Venew* where the Demand is made. *Old Nat. Brev. fol. 115. and Anno 4 H. 4. cap. 26. and 25 Hen. 8. cap. 6. And also shall return, in every such Panel upon the Venire facias,*

*Six*

Six sufficient Hundredors at the least, if there be so many within the Hundred where the Venue lies. See *Vifne*.

**Venura** Is a Coming or appearing in Court. *Monast. 1 Tom. pag. 556. Et tenetur de venerabili patre Dupelmensi Episcopo in puram, &c. elemosynam, & pro una venura ad Curiam ipsius Episcopi, &c.*

**Veragium**, *Fleta*, lib. 2. cap. 4. par. 4. *Ejus est de omni præda bestiarum totam habere veragium, i. e. all the spotted Beasts.*

**Verd.** See *Vert*.

**Verdero**, *Viridarius*, From the French *Verdeur*, i. *Custos nemoris*, is a judicial Officer of the King's Forest, chosen by the King's Writ in the full County of the same Shire, within the Forest where he dwells, and is sworn to maintain and keep the Assises of the Forest, and to view, receive and enrol the Attachments and Presentments of all Manner of Trespasses of Vert and Venison in the Forest. *Manwood, part 1. pag. 332.* His Office is properly to look to the Vert, and see it well maintained. *Crompt. Jur. fol. 165.* His Oath, Fee and Authority, you may see in *Manwood, part 1. pag. 51.* He is to sit in the Court of Attachment, to see the Attachments of the Forest, to receive the same of the Foresters and Woodwards that present them, and then to enter them into their Rolls.

**Verdict**, *Verdictum*, quasi *dictum veritatis*, Is the Answer of a Jury made upon any Cause, Civil or Criminal, committed by the Court to their Examination: And this is two-fold, *General* or *Special*; A *general Verdict* is that (*Staundf Pl. Cor. lib. 3. cap. 9.*) which is given or brought into the Court in like *general* Terms to the *general Issue*; as in an Action of *Disseisin*, the Defendant pleadeth, *no Wrong, no Disseisin*; then the Issue is *general*, whether the Fact be a *Wrong* or not, which being committed to the Jury, they upon Consideration of their Evidence come in and say, either for the Plaintiff, that it is a *Wrong* and *Disseisin*; or for the Defendant, that it is *no Wrong, no Disseisin*. A *special Verdict* is, when they say at large, that such a Thing and such a Thing they find to be done by the Defendant or Tenant, so declaring the Course of the Fact, as in their Opinion it is proved; and as to the Law upon the Fact, they pray the Judgment of the Court: And this *special Verdict*, if it contain any ample Declaration of the Cause from the Beginning to the End, is also called a *Verdict* at large, whereof read Examples in *Staundf. ubi supra. New Book of Entries, verb. Verdict*, and *Co. on Lit. f. 228. Item utimur, quod Balivi & Ceronatores Burgi nostri usi fuerint & adhuc utuntur recipere Verdictum Duodecim Furatum ex quacunque causa infra Burgum nostrum prædictum seu ejus libertatem emergenti sive contingenti, Senescalli præsentia nullo modo expectata. MS. Codex de LL. & Statutis, Burgi villæ Mountgomer, fol. 15.*

**Verrebot**, A Packer-Boat, or Transport-Vessel. — *H. Prior Ecclesie Christi Cant. & Conventus concedunt serenissima Domina A. Regina Angliæ Consorti Domini Regis totam custodiam & redditum — in villa & portu de Sandwic — Salvo nobis & nostris, item Abbati & Conventui S. Augustini Cant. & eorum familie libero passagio in portu prædicto in battello quæ dicitur Verebore, salva insuper nobis, &c. Dat. anno 18 Ed. 1. Ex Registr. Eccles. Christi Cant. MS.*

**Veretum**, According to *Domesday Book*, signifies Fallow-ground.

**Verecundium**, Injury, Trespass, Damage. — *Et conventionem, ut ipse Calvellus & heredes sui singulis annis dent cellerario 52 sol. pro omni re, præter tres forisfacturas, id est, murdum & furtum, si ipse Calvellus vel heredes sui fecerint, & præter si verecundium ipse vel heredes sui fecerint Monachis Ecclesie vel servientibus eorum. — Somner of Gavelkind, p. 174.*

**Verge**, *Virgata*, May seem to come from the French *Verger*, *viridarium*, and is used here in England for the Compaſs of the King's Court, which bounds the Jurisdiction of the Lord Steward of the King's Household, and of the Coroner of the King's House, and that seems to have been Twelve Miles Compaſs. *Anno 13 Rich. 2. stat. 1. cap. 3. F. N. B. fol. 24. Britton, fol. 68, 69. Co. Rep. lib. 4. fol. 47. See also 33 H. 8. 12. Fleta, lib. 2. cap. 4. sect. 1. says, This Compaſs about the Court is called Virgata, a virga quam Marſhallus portat ut signum sue potestatis. Verge hath also another Signification, and is used for a Stick or Rod, whereby one is admitted Tenant, and holding it in his Hand, swears Fealty to the Lord of a Manor, who for that Cause is called Tenant by the Verge. Old Nat. Brev. fol. 17. and Lit. lib. 1. cap. 19.*

**Verge of Land**, *Virgata terra*, 28 Ed. 1. *Statute of Wards. See Yard-land.*

**Vergers**, *Virgatores*, Are such as carry white Wands before the Justices of either Bench. *Fleta, lib. 2. cap. 38. Otherwise called Portatores Virge.*

**Verlucio**, *Warminster*.

**Verolamium**, *Verulam* near *St. Albans*.

**Verolæ**, Some Dittemper incident to Sheep. — *Cui apparuit Dominus Dicens, Filiole, quid facis hic? & respondit, Domine, custodio Oves meas de verolis & clausike — salventur Oves iste de verolis & clausike & omnibus aliis infirmitatibus in honore Domini nostri Jesu Christi, Amen. Fragment of a Legend in Consuetud. Domus de Earendon, MS. f. 48.*

**Verometum**, *Borough-hill*, in *Leicester-shire*.

**Veronica**, When our Saviour was led towards the Cross, the Likeness of his Face was formed on his Handkerchief in a miraculous Manner, which is still kept and adored in *St. Peter's Church at Rome*, and called *Veronica*. The Word is mentioned in *Mat. Paris*, and *Mat. Westm. Anno 1216.* and again in *Mat. Paris*, pag. 514. and in *Brompton*, 121.

**Vertere**, To turn up the Earth, *Si porci verrant pratum alienum, dominus illorum tenetur omnes verificationes implere frumento. Statut. W. R. Scotiz. cap. 24.*

**Vert**, *Viride*, Made of the French *Vert*, *viridis*, otherwise called *Green-hue*, signifies in the Forest Laws every Thing that grows and bears green Leaf within the Forest that may cover a Deer. *Manwood, 2 par. fol. 6 & 33.* And it is divided into *Overt-vert* and *Nether-vert*. *Overt-vert* is that which our Law Books call *Hault Bois*, and *Nether-vert* is that which they call *South Bois*. And of this you may read *Manwood's 2 par. cap. 6. per totum.* There is also a *Vert* called *special Vert*, and that is all Trees that grow in the King's Woods within the Forest, and all the Trees that grow there in other Mens Woods, if they be such Trees as bear Fruit to feed Deer; which are called *special Vert*, because the destroying of such *Vert* is more grievously punished than the Destruction of other *Vert* is. See *Manwood*, cap.

cap. 6. num. 2. fol. 35. Vert is also sometimes taken for that Power which a Man hath by the King's Grant to cut green Wood in the Forest. See 4 Inst. fol. 317.

Vertelæ, Burgh upon Stanemore.

Verbise, Otherwise called Plonkets. Anno 1 R. 3. cap. 8. a Kind of Cloth.

Very Lord and Very Tenant, Verus Dominus & verus Tenens, Are they that be immediate Lord and Tenant one to another. Bro. Tit. Hariot, fol. 23. In the Old Nat. Brev. and in the Writ Replegiari de averiis, you may read these Words. And know ye, that in taking of Leases, Six Things are necessary, that is to say, very Lord and very Tenant, Service behind, the Day of the taking; Seisin of the Services, and within his Fee. And that a Man is not very Tenant, until he have attuned to the Lord by some Service. See 19 H. 7. cap. 15. And see Tenant.

Vetice, Vetches, Tares. Idem reddit compotum de xiii quarteriis fabarum & vesciarum venditarum. Consuetud. domus de Farendon, MS. fol. 16.

Vestes, Anno 1 R. 3. cap. 8. and 14 & 15 H. 8. cap. 11. otherwise called Set-Cloths, most commonly made in Suffolk.

Vest, Vestire, Plenam, possessionem terra vel pradii tradere, seisinam dare, infeodare, saith Spelman.

Vests, The Vest, Vesture, or Crop on the Ground.—Prata depasta sunt, & asportaverunt vestam & alias violentias fecerunt. Hist. Croyland. Contin. p. 454.

Vestimentum, The same with Vestitura or Vestura, i. e. the putting one in Possession: It is mentioned in Bracton, lib. 4. cap. 1. where, writing of Intrusion, he tells us, non vallatur aliquo vestimento.

Vestry-men, Anno 15 Car. 2. cap. 5. Are a select Number of the Chief Parishioners in every Parish within the City of London and Suburbs, and elsewhere, who yearly chuse Officers for the Parish, and take Care of its Concernments; so called, because they usually meet in the Vestry of the Church.

Vesture, A Crop of Grass or Corn. As in the Cartulary of the Abbey of St. Edmundsbury, MS. fol. 182.—Prior recipit annuatim de Cellerario de feeno equorum primæ vesturæ (i. e. of the first Crop or Mowing) duas carettas quatuor equorum—& de secunda vestura (i. e. of the Second Crop or After-math) duas carettas, &c. The Word was often used for a Vest, Vesture, Livery, Delivery; i. e. an Allowance of some set Portion of the Products of the Earth, as Corn, Grass, Wood, &c. for Part of the Salary or Wages to some Officer, Servant, or Labourer, for their Livery or Vest. So Foresters had a certain Allowance of Timber and Underwood yearly out of the Forest for their own Use.—Annuatim percipiendum tantum de roboribus & brueriis quantum pro vestura indiguerint. Paroch. Antiq. p. 620.

Vesture, Vestura, Signifies a Garment; but in the Law, metaphorically turned to betoken a Possession, or an Admittance to a Possession or Seisin; so it is taken in Westm. 2. cap. 5. And in this Signification it is borrowed of the Feudists, with whom Investitura signifies a Delivery of Possession by a Spear or Staff, and Vestura Possession it self. Hotoman in verb. Feudal. verb. Investitura.

Measure of an Acre of Land, Anno 14 E. 3. stat. 1. is the Profit of it. So in extenta Manerii, 4 Edw. 1. It is inquirable, How much the Vesture of an Acre is worth, and how much the Land is worth when the Wood is felled.

Vetitum Namium, Namium, Signifies a Taking or Distress, and Vetitum forbidden; as when the Bailiff of a Lord distrains Beasts or Goods, and the Lord forbids his Bailiff to deliver them when the Sheriff comes to replevy them, and to that End drives them to Places unknown; or when without any Words they are so eloined, as they cannot be replevied. Divers Lords of Hundreds and Courts-Baron have Power to hold Plea De vetito namio, in old Books called De. vet. 2 Inst. fol. 140. Matilda de Mortuo Mari clamat in manerio de Mawerdon duos Law-days, & Infangen-theft, & placita de Namio vetito sine brevi Domini Regis. Int. Record. in Thesaur. Scacc. in quadam бага de Quo War. tit. Glouc. Heref. Sir Henry Spelman says, it is Antiqua Juris nostri locutio, & brevis Regis nomen. See Naam.

Vessels, These were a Sort of great Vessels or Ships formerly in use here: We read of them in Brompt. Chron. 1195.

Viffingi, The Kings of the East Angles were so called from King Uffa, who lived in the Year 578. Mat. Westm.

Via militaris, A Highway: Qua publica dici poterit, & ducit ad mare & ad portum & quandoque ad mercata, as Bracton tells us, lib. 4. cap. 16. par. 7. and Fleta, lib. 4. cap. 6. par. 3.

Via Regia, The Highway, or common Road, called the King's Way, because authorised by him, and under his Protection. It is called Regia, qua semper aperta, quam nemo concludere potest cum minis suis, quia ducit in civitatem, vel Burgum vel portum Regis. And as to the Breadth, Via Regia tanta vero debet esse ut inibi duo carri sibi possint obviari, & bubuli de longo stumbli sui possint assimulare. Leg. Hen. 1. cap. 80.

Vicari, Vicarius, The Priest of every Parish is called Rector, unless the predial Tithes be impropriated, and then he is called Vicar, quasi vice fungens rectoris. Sciant—quod ego Johannes Webbe perpetuus Vicarius Ecclesie Parochialis de Bromyard, dedi—Domino David Hay perpetuo Vicario Ecclesie Parochialis de Anenebury duas acras terre, &c. Dat. 8 H. 5. They stiled themselves Perpetui vicarii, because they were not appointed by the Impropiator, and licensed by the Bishop to read Service, but presented by the Patron, and received Canonical Institution at the Hands of the Ordinary; and so had constant Successions, as Corporations, and never died. The Canonists mention four Species of Vicars. Quidam sunt Perpetui, ad Parochiales Ecclesias constituti; Quidam non perpetui, sed ad aliquos actus constituti, ut temporales; & isti dicuntur mercenarii: Quidam sunt speciales, non ad curam sed ad certum locum, articulum vel actum constituti: Quidam nec perpetui, nec ad curam, nec ad certum actum, sed generaliter dantur ad omnia. See Vocab. utriusq; juris, verb. Vicarius, and Kennet's Glossary.

Vicario deliberando occasione cuiusdam Recognitionis, &c. Is a Writ that lies for a spiritual Person imprisoned, upon Forfeiture of a Recognition, without the King's Writ. Reg. of Writs, fol. 147.

Vice-Chamberlain, Called Under Chamberlain, 13 R. 2. stat. 2. cap. 1. Is a great Officer in Court, next under the Lord-Chamberlain, and in his Absence hath the Control and Command of all



all Officers whatsoever appertaining to that Part of his Majesty's Household, which is called the Chamber, or above Stairs.

**Viccomes,** A Sheriff: We are told (under that Title) that he was formerly chosen by the Freeholders, as Knights of the Shire are now; but it appears by *Fortescue*, who wrote in the Reign of *H. 6.* that he was chosen then in the same Manner as now, *viz.* on the Day after *All-Souls*, the Privy Council, the Judges, and Barons of the Exchequer, and several other great Officers meet in the Court of Exchequer, and there a Clerk reads the Names of several Persons in every County, out of which Three are chosen, whom the Noblemen and Judges think best qualified to serve in that Office for each County; whose Names being presented to the King, he chuses one out of the Three, and by Letters Patent appoints him Sheriff for that Year, who, before he enters upon his Office, must take an Oath, well and truly to execute it, &c.

**Vice-Constable of England,** and **Vice Marshal;** See their Office in *Pat. 22 Edw. 4. Pars. 1. m. 2.* printed in *Prynne's Animad. on 4th. Inf. fol. 71.*

**Vice-Consul,** The same as *Viccomes.* *Leg. Ed. Conf. cap. 12. Qui modo dicuntur Vicecomites, tunc temporis Vice-Consules vocabantur; ille vero dicebatur vice-consul qui consule absente ipsius vices supplebat in jure & in foro.*

**Vicdominus,** The same also as *Viccomes,* as *Selden* tells us in his *Titles of Honour, 2 Pars. cap. 5. par. 20.* and in *Leg. Hen. 1. cap. 7.* and *Inglulphus* writes, that *Vice-dominus dictus est praefectus provinciae.*

**Vicdominus Episcopi,** The Official, Commissary, or Vicar-general of a Bishop.

**Vicdominus Abbatie seu Ecclesiae,** The Law-Advocate or Protector of an Abbey or Church.

**Viceregent** (*Anno 31 Hen. 8. cap. 10.*) A Deputy or Lieutenant.

**Vicinage,** *Vicinetum,* French *Voisinage,* Neighbourhood, near Dwelling. *Mag. Charta, cap. 14. See Venew.*

**Vicinetum.** See *Visne.*

**Vicis & venellis mundandis** Is a Writ that lies against a Mayor or Bailiffs of a Town, &c. for the clean keeping their Streets. *Reg. of Writs, fol. 267. b.*

**Vicount,** alias **Vicount,** (*Viccomes*) Signifies as much as *Sheriff:* Between which Two Words, I find no other Difference, but that the one comes from our Conquerors the *Normans*, the other from our Ancestors the *Saxons*, of which, see more in *Sheriff.*

*Vicount* also signifies a Degree of Nobility next to an Earl, which *Camden* (*Britan. pag. 170.*) says, is an old Name of Office, but a new one of Dignity, never heard of among us till Henry the Sixth's Days, who in his Eighteenth Year in Parliament, created *John Lord Beaumont*, *Vicount Beaumont*, but far more antient in other Countries. *Cassan. de Gloria mundi, par. 5. consider. 55. See Sheriff.* And *Selden's Titles of Honour, fol. 761.*

**Vicontiel** Is an Adjective made of *Vicount*, and signifies as much as belonging to the Sheriff; as Writs *Vicontiel*, are such Writs as are triable in the County, or Sheriff's Court. *Old Nat. Brev. fol. 109.* Of this Kind you may see divers Writs

of Nuisance set down by *Fitzherbert* in his *Nat. Brev. fol. 184.* *Vicontiels, Vicecomitilia,* are certain Farms for which the Sheriff pays a Rent to the King, and makes what Profit he can of them. See the *Stat. 33 & 34 H. 8. cap. 16. 2 & 3 E. 6. cap. 4. 4 H. 5. cap. 2. 6 R. 2. cap. 3.*

**Vicontiel Jurisdiction** Is that Jurisdiction which belongs to the Officers of a County, as Sheriffs, Coroner, Escheator, &c.

**Vicontiel Rents,** Mentioned *22 Car. 2. cap. 6.* See *Vicontiel.* The *Vicontiel Rents* usually came under the Title of *Firma Comitatus*, which were written generally *sub nomine Vicecom.* without Expression of the Particulars. The Sheriff had a particular Roll of the *Vicontiel Rents* given in to him, which Roll he delivered back with his Accounts. *Vide Hale of Sheriffs Accounts, pag. 40.*

**Vidame, i. e. Vice-Dominus,** was heretofore the Bishop's Deputy in Temporals, as the Earl was the King's, in Affairs of the County.

**Viduitatis professio,** The making a solemn Profession to live a sole and chaste Widow; of which Custom in England, the Practice and Ceremonies attending it are well delivered by Mr. *Dugdale* in his *Antiquities of Warwickshire, pag. 313, & 654.*

**Vidimus.** See *Innotescimus, Anno 15 Hen. 6. cap. 3.*

**Vi & Armis,** The Expression in a Charge or Indictment, to shew the forcible and violent Commission of any Crime.

**View, Visus,** Signifies the Act of Viewers; for when an Action real or personal is brought, and the Tenant knows not well what Land it is that the Demandant asks, then may he pray the *View*; which is, that he may see the Land which is claimed; of this *Britton* writes, *cap. 45.* This Course of proceeding we have received from the *Normans*, as appears by the *Grand Customary, cap. 66, 80, & 96.* This *View* is used as in other Cases, so in an Assise of Rent-service, Rent-charge, or Rent-seck. *F. N. B. fol. 178.* and in a Writ *De Curia claudenda, Ibid. fol. 128.* In a Writ of Nuisance, *Ibid. fol. 183.* In a Writ *Quo jure, Ibid. fol. 128.* In the Writ *De rationabilibus divisis, Ibid. fol. 129.* And in the Writ *De sexta ad Molemdinum, Ibid. 123.* See the *New Book of Entries, verb. View*, and how this *View* is made in *Fleta, lib. 4. cap. 5.* See *Vejours*, and *Westm. 2. cap. 48.*

**View of Frank-pledge, Visus Franci plegii,** Is the Office which the Sheriff in his County-Court, or the Bailiff in his Hundred, performs in looking to the King's Peace, and seeing that every Man be in some Pledge. This is called by *Bracton, lib. 2. cap. 5. num. 7. in fine, Res quasi sacra, quia solam personam Regis respicit, & quod introductus sit pro pace & communi utilitate.* *Ibid. cap. 16. num. 8.* See *Frank-pledge, Leet and Decennier.* Also see the *New Book of Entries* on this Word.

**Vigil, (Vigilia Anno 2 & 3 Edw. 6. cap. 19.)** Is used for the Eve, or next Day before any solemn Feast; because then Christians of old were wont to watch, fast and pray in their Churches.

**Vi Laica amovenda,** When the Bishop of a Diocese has certified into the Court of Chancery, that the Rector or Vicar of any Church within his Jurisdiction is kept out of his Manse, or Glebe, or Church, by any Lay Force or intruding Power; then may a Writ be granted to the Sheriff,

Sheriff, to remove all such Violence and Usurpation, which Writ is therefore so called, *De vi Laica amovenda*.—*Edwardus Rex Vicecom. Oxon. Salutem. Tibi precipimus quod omnem vim Laicam qua se tenet in Ecclesia de Bokenbüll, quo minus idem Episcopus officium suum spirituale ibidem exercere possit sine mora amoveas ab eadem*.—Paroch. Antiquit. pag. 335. See *Vi Laica removenda*.

*Vi laica removenda* Is a Writ that lies where Debate is between Two Parsons or Provisors for a Church, and one of them enters into it with a great Number of Laymen, and holds the other out *Vi & Armis*: He that is holden out shall have this Writ directed to the Sheriff, that he remove the Force. And this Writ is returnable, and shall not be granted, until the Bishop of the Diocese, where such Church is, hath certified into the Chancery such Resisting and Force. For the several Forms of this Writ, see *F. N. B. fol. 54. and Reg. Orig. fol. 59.*

*Villa*, *Villa*, Is sometimes taken for a Manor, and sometimes for a Parish, or Part of it. *Villa est ex pluribus mansionibus vicinata, & collata ex pluribus vicinis*. 1 Inst. fol. 115. b. *Villa apud Saxones nostros antiquos Romano sensu accipi videtur pro pradio unius alicujus in r. re, cum idoneis adibus ad reponendos ejusdem fructus honestato. Non autem primitus pro multarum mansionum connexionem, quod in oppidis potius expectandum esset, & successivis temporibus villis postea introductum est* Spelman. *Vill and Parish* shall be intended all one. *Cro. Rep. 2 par. fol. 263. Wraye's Case*, yet there may be Two *Vills* in one Parish. *Id. fol. 120. Stork's Case*. *Bracton* tells us, *si quis in agro unicum faciat edificium, non erit ibi villa; sed cum ex processu temporis ceperint condinari & vicinari edificia*. Lib. 4. cap. 31. And *Fortescue in Laud. Leg. Anglie, cap. 24.* writes, that the Boundaries of Villages is not by Houses, Streets, or Walls, but by a large Circuit of Ground, within which there may be several Hamlets, Waters, Woods and waste Ground. *Fleta* likewise mentions the Difference between a Mansion, a Village, and a Manor, viz. a Mansion may be of one or more Houses, but it must be but one Dwelling-place, and none near it; for if other Houses are contiguous, then it is a Village; a Manor may consist of several Villages, or of one alone. Lib. 6. cap. 51.

*Villa Faustini*, St. Edmund's Bury.

*Villa Regia*, A Title given to those Country Villages, where Kings of England had a Royal Seat or Palace, and held the Manor in their own Demesne, and had there commonly a free Chapel, not subjected to Ecclesiastical Ordinary Jurisdiction. So *Brill, Com. Buck.* was a *Villa Regia*. So was *Hedingdon, Com. Oxon. &c. Paroch. Antiq. p. 53.*

*Villain*, *Villanus*, Signifies as much as *Servus* among the *Civilians*. A Man of servile or base degree, from the French *Vilain*, *vilis*, or from the Latin *Villa*, a Country Farm, whereto they were deputed to do Service: Of these Bond-men or *Villains*, there were Two Sorts in England, one termed a *Villain in gross*, who was immediately bound to the Person of his Lord and his Heirs. The other a *Villain regardant* to a Manor, whom the *Civilians* term *Gleba ascriptitium*, being bound to his Lord as a Member belonging and annexed to a Manor, whereof the Lord was Owner. *Smith de Rep. Anglor. lib. 3. cap. 8. Old Nat. Brev. fol. 8. and Bracton, lib. 1. cap. 6. num. 4.* He was

properly a pure *Villain*, of whom the Lord took Redemption to marry his Daughter, and to make him free; and whom the Lord might put out of his Lands and Tenements, Goods and Chattels at his Will, and beat and chastise, but not maim him. There are not truly any *Villains* now, tho' the Law concerning them stands unrepeal'd. We have hardly heard of any Case in *Villainage* since *Crouche's Case* in *Dyer*. And *Spelman* says, *Servorum & Nativorum apud nos sublata est conditio, & quas ideo possidebant terras vel pradia, hodie libere tenent sub antiqua servitutis consuetudinibus*. See *Kennet's Glossary*.

*Omnibus*.—*Frater Matthæus Abbas de Helesoweign & Conventus ejusdem loci salutem. Noveritis nos unanimi voluntate & consensu fecisse Johannem del Grene de Rugeakur liberum, cum tota sequela sua procreata & procreanda; & cum omnibus catallis suis habitis & habendis. Ita vero quod prefatus Johannes, cum tota sequela sua procreata & procreanda, & cum omnibus catallis suis habitis & habendis, ab omni jugo servitutis liberi maneant imperpetuum. In cujus rei testimonium huic literæ libertatis sigillum nostrum apposimus. Dat. 31 Ed. 3. Ex ipso Autographo penes Johannem Winford Mil.*

*Villain Estate or Condition*, Contradistinguished to free Estate. *Stat. 8 H. 6. 11.* They were called *Villani* from *Villa*, because they dwelt in Villages; they were also called *Pagenes* and *Rustici*, a *rusticus* quæ excoluerunt; and they were of that servile Condition, that they were usually fold with the Farm to which they respectively belonged; so that they were Slaves and used as such, and kinder Usage made them insolent.

*Quando mulcetur, villanus pejor habetur, Pungas villanum, polluet ille manum, Ungentem pungit, pungentem rusticus ungit.*

The Proverb is known.

*Villanis Regis subtractis reducendis* Is a Writ that lay for the Bringing back of the King's Bondmen, that had been carried away by others out of his Manors, whereto they belonged. *Reg. Orig. fol. 87.*

*Villata*, The same with *Villa*.

*Villain fleeces*, Are Fleeces of Wool, that are shorn from scabbed Sheep. 31 *Edw. 3. cap. 8.*

*Villeinous Judgment*, *Villanum judicium*, Is that which casts the Reproach of Villany and Shame upon him against whom it is given, as a Conspirator, &c. *Staundf. Pl. Cor. lib. 3. c. 3. c. 12. fol. 175.* This *Lamb.* in his *Eirenarch. lib. 1. cap. 13. pag. 63.* calls *Villeinous Punishment*, and says, it may be well called *Villeinous*, because the Judgment in such Case shall be like the antient Judgment in *Attaint*, as is said, *Anno 4 H. 5. Fitzb. Judgment 220.* And in 27 *Lib. Ass. Pl. 59.* set down to be, that they shall not be of any Credit afterward, nor lawful for them in Person to approach the King's Court, and that their Lands and Goods be seized into the King's Hands, their Trees rooted up, and their Bodies imprisoned, &c. And at this Day the Punishment appointed for Perjury (having somewhat more in it than corporal or pecuniary Pain, stretching to the Discrediting the Testimony of the Offender for ever) may be Partaker of this Name. This, and such like, is elsewhere termed *Vile & odibile judicium*. Vide *Pillory*.

*Villainage*,

**Villanage, Villenagium, Cometh of Villain,** and signifies a servile Kind of Tenure belonging to Land or Tenements, whereby the Tenant was bound to do all such Services as the Lord commanded, or were fit for a Villain to do. *Ubi sciri non poterit vespere, quale servitium fieri debet mane.* For every one that held in Villenage, was not a Villain or Bondman: Villenagium vel servitium nihil detrahit libertatis, habita tamen distinctione, utrum tales sunt Villani & tenuerint in Villano soccagio de Dominico Domini Regis. *Bract. lib. 1. cap. 6. num. 1.* The Division of Villenage was into Villenage by Blood, and Villenage by Tenure. Tenure in Villenage could make no Freeman Villain, unless it were continued Time out of Mind, nor free Land make a Villain free. *Bracton, lib. 2. cap. 8. num. 3.* divides it into *Purum villenagium, a quo praestatur servitium incertum & indeterminatum, ubi sciri non poterit vespere, quale servitium fieri debet mane, viz. Ubi quis facere tenetur quicquid ei preceptum fuerit;* The other he calls Villanum soccagium, and was tied to the Performance of certain Services agreed upon between the Lord and Tenant, and was to carry the Lord's Dung into his Fields, to plough his Grounds at certain Days, to reap his Corn, plash his Hedges, &c. As the inhabitants of *Bickton* were bound to do for those of *Clun-Castle* in *Shropshire*, which was afterwards turned into a Rent, now called *Bickton-Silver*, and the Service excused.

There were likewise Villani *So kmanni*, which were those who held their Lands in Soccage, and there were Villani *adventitii*, who were those who held Lands by performing certain Services expressed in their Deeds. *Bracton, lib. 2. cap. 8.*

**W**ill. Maynard, qui tenuit terras in Heurst, cognovit se esse Villanum Abbatis de Abbendon, & tenere de eo in Villenagio & per villanas consuetudines, viz. per servitium 18 d. per annum & dandi Maritagium & Marichetum pro filio & sorore sua, ad voluntatem ipsius Abbatis, & faciendi omnes villanas consuetudines. *Pla. 34 Hen. 3. Rot. 20. Berks. Copyholders, or Tenants by Copy, is but a new Name; for antiently they were called Tenants in Villenage, or of base Tenure. Fitz. Nat. Brev. fol. 28. C.*

But the Slavery of this Custom hath received its Death's Wound, in favorem libertatis: For Sir Edward Coke out of *Fortescue* hath this Note, *Impius & crudelis judicandus qui libertati non favet;* And gives this as the Reason of it, *Anglia jura in omni casu dant favorem libertati;* The Sense of Liberty was of so great Force and Power, and the Favour due unto it according to Law and Right of so great Respect, that those and the like Pressures have received Change and Alteration.

**Vinagium, i. e. Tributum a vino,** A Payment of a certain Quantity of Wine instead of Rent, to the Chief Lord for a Vineyard. *Mon. Angl. 2 Tom. pag. 980. See Citation.*

**Windsels, Windelsa.**

**Windoglabia, Winburne** in *Dorsetshire*.

**Wintonum, Silchester.**

**Wunnet, A Kind of Flower or Border,** which Printers use, to beautify printed Leaves in the Beginning of Books. See *Anno 14. Car. 2. cap. 33.*

**Wintonium, Binschester** in the Bishoprick of *Durham*.

**Wircinum, Wrocester** in *Shropshire*.

**Virga, A Rod or white Staff,** such as Sheriffs, Bailiffs, &c. carry as a Badge or Ensign of their Office. — *Rauf ap Howel ap Philip Prapostus de Llantiffin amerciatu pro eo quod habuit in manu sua coram Justiciariis hic virgam nigram & in bona fam, ubi habere debuisset virgam albam & bonestam de certa longitudine prout decet. Sess. Itin. de Cardiff. 7 Mart. 7 H. 6.*

**Virga alnaria, A Yard** measured according to the legal Ell or true Standard. — *Terra mea continet de latitudine in fronte septem virgas alnarias & dimidiam cum pollice interposito. Cartular. Radinges, MS. f. 120.*

**Virga ferrea ductilis.** — *Civitas Glouc. reddebat C. virgas ferreas ductiles ad clavos navium Regis. Domestday, i. e. Iron drawn out into small Rods for making Nails.*

**Virga ferrea,** — *Sciant — quod ego Hamundus Urri dedi — Nich. filio Edde pro 8 s. sterlingis, quos mihi dedit pre manibus, unam placetam terra mee in vico versus Duftelee, que ja et inter terram meam & terram Philippi filii Heylin, ejus latitudo in fronte continet in se xvi virgas ferreas prater unum quarterium, & totidem aretro, &c. Ex libro Chart. Priorat. Leominstr. This was so many Yards, according to the King's Standard in the Exchequer, which antiently was of Iron, now Brass.*

**Virgata terræ, Otherwise Virga terræ, A Yard-land.** *Reg. Orig. fol. 167. Decem Acres terræ faciunt secundum antiquam consuetudinem, unam ferdellam, & quatuor ferdelle faciunt virgatam. MS. Codex. Virgata terræ ex 24 acris constat, quatuor Virgatæ Hidam faciunt, quinque hide feodum militis. Chron. Tho. Redburn. See Yard-land. See Kennet's Glossary.*

**Virgatores servientes, So Flea calls Vergers** or Tiptaves that attend the Judges. See *Vergers*, and *Serjeants at Arms*.

**Virgultum (Lat.)** Is used for an Holt, or Plantation of Twigs, or Oziers, and sometimes for a Coppice of young Wood. — *Et praterea concedo Virgultum meum & totam Communiam Domini mei. Mon. Ang. 3 Par. f. 12. a. But in another Place of the Mon. Angl. 1 Tom. pag. 760. it may be taken for Virgata, viz. Dedit predicta Ecclesia unum Virgultum Terræ in manerio de Cumpstone, &c.*

**Viridario eligendo** Is a Writ that lies for the Choice of a *Verderer* in the Forest. *Reg. Orig. fol. 177.*

**Viride or Viridis** Is the same with *Vares, i. e. pellis varia:* It is mentioned in *Bracton, lib. 3. cap. 26. Absulit ei, &c. unam robam de Viridi, talis pretii, &c.*

**Viridis Roba** Is a Coat of many Colours, for in the old Boords *viridis* is used for *varius*. *Bracton lib. 3. cap. 16.*

**Virilia, The privy Parts of a Man,** the cutting off which was Felony by the Common Law, whether the Party consented or not. *Bracton, lib. 3. fol. 44. Henricus Hall & A. uxor ejus capti & detenti in Prisona de Evilchester, eo quod reſtati fuerint, quod ipſi abſciderunt virilia Johannis Monachi, quem idem Henricus deprehendit cum predicta A. uxore ejus. Rot. Clauf. 13 H. 3. m. 9.*

**Wirocnum, Wrocester.**

**Wiscount.** See *Vicount*.

**Vis, Force;** so we say, *Vi & Armis*, by Force of Arms; and this Force is Five-fold, *vis impulsiva, ablativa, expulsiva, turbativa & inquietativa*: *Vis ablativa* is the Taking away of moveable Things: And hence accrues an Action, *quare Vi & Armis*, &c. *Vis compulsiva*, by which a Man is compelled to do that which otherwise he would not do of his own free Will. And from this also accrues an Action; *Vis expulsiva* is, when any one is cast out of his Possession by Force and Arms. *Vis turbativa* is, when any one is disturbed in his Possession, as when Two strive to possess the same Thing. *Vis inquietativa* is, when one Man will not suffer another quietly to enjoy his Right, or to do a Thing in his own Bounds or Limits. And from all these, some Sort of Action will arise.

**Visitatio, Visitation,** Is that Office or Action that is performed by a Bishop in every Diocese once every Three Years, or by the Archdeacon once a Year, by visiting the Churches and their Rectors, &c. — *Ut populus illorum cura commissus salubriter a pastoribus & ordine gubernetur.* Reform. Leg. Eccles. fol. 124. *Ne quid detrimenti capiat Ecclesia*, says another Author.

**Visitatio of Wanners, Visitatio morum,** Was wont to be the Name of the Regarders Office in antient Time. *Manwood, part 1. pag. 195.* See *Regarder*.

**Vicine, Vicinetum,** Signifies a Neighbour-place, or a Place near at Hand. *Anno 19 R. 2. c. 6. Dicitur Vicinetum in jure nostro locus quem vicini habitant, qui olim intelligebantur de eadem villa sive adjacentibus, atq; alias de eodem Hundredo vel proximis; modo vero de eodem pago, sive Comitatu, hoc est, compageses.* Spelman. See *Venew*.

**Vifus, View, Inspection.** — *Capiant de boscis suis quod necesse iis fuerit sine wasto, & hoc per vifum forestarii sui & viridariorum suorum.* Rog. Hoveden, p. 784. See *View*.

**Writu Franci plegii** Is a Writ to exempt him from coming to the View of Frank-pledge, who is not resident within the Hundred; for Men are bound to this View, by Reason of their Habitation, and not of Lands held where they dwell not. *Reg. Orig. fol. 175.*

**Vitteler or Vittualer, Vittualarius or Vitellarius,** Is he that sells Vittuals; for whom there is a Writ in *Fitzh. Nat. Brev. fol. 172.* If they exercise their Trade, bearing a Magistracy in any Town Corporate. We call now all Common Alehouse-Keepers generally by the Name of *Vittuallers*.

**Vitba pecunia,** Antiently used for live Cattle. See *Pecunia*.

**Vivary, Vivarium,** Signifies a Place of Land or Water, where living Creatures are kept. In Law it signifies most commonly a Park, Warren, Fish-pond or Piscary. *Co. 2 Inst. fol. 100. Hec est conventio inter Priorem & Conventum Canoniorum de Rudham & Rogerum de Glanvilla, de Molendino & stagno de Thorp, sc. quod Canonici reddent annuatim prefato Rogero 7 Sol. quemadmodum pater ejus Robertus de Glanvilla solebat habere tempore Michaelis Prioris; & si Rogerus de Glanvilla fuerit in Ruffon vel uxor ejus, ipse poterit piscari in Vivario absque Wasto cum Batello Canoniorum, &c. Anno 1171. 8 Mart. MS. penes Gul. Dugdale, Mil.*

**Vitba voce.** See *Deposition*.

**Ulcus, i. e. A Hulk, or Ship of Burthen,** *Leg. Ethelredi Regis, cap. 23. Si major (navis) & habet siglas, 1 den. si adveniat Ceol vel ulcus & ibi jaceat, 4 denar. ad theloneum dentur.*

**Ullarenfes leges,** The Laws of Oleron. *Mare clausum, fol. 222.* See *Oleron Laws*.

**Ullnage.** See *Alnage*.

**Ulna ferrea,** The Standard-Ell of Iron kept in the Exchequer for the Rule of Measure — *Totam terram illam que continet in fronte secus vicum Regium occidentalem in latitudine 44 ulnas de ulnis ferreis Johannis Regis Anglie, & in capite orientali versus campum. — 127 ulnas de eisdem ulnis.* Mon. Angl. Tom. 2. p. 383.

**Ulltagium, Violence, Outrage.** — *Justiciarius sex milites de Northampton ad videndum & plenius cognoscendum illud incomparabile ulltagium transmissit.* Hist. Croyland. Contin. p. 454.

**Ullple:** It is mentioned in the Statute 3 Ed. 4. cap. 5. and it signifies fine Linen.

**Unare, Inter consuetudines de Cokefeld** — *debet falcare unum pratum Domini vocatum Overcanmedwa a mane usque ad nonam pro uno opere, & dein levare & unare dictum pratum quod falcaverit.* Cartular. Sancti Edmundi, MS. b. 388. where *Unare* or *Unnare* can mean nothing more than to *Inn*, or get in or make up the Hay fit for Carriage.

**Unceasfath:** This is an obsolete Word, mentioned in *Leg. Ine, cap. 37. viz.* He who kills a Thief, may make Oath that he killed him in flying for the Fact, & *parentibus ipsius occisi juret Unceasfath*, that is, that his Kindred will not revenge his Death: From the Saxon *Ceas, litis*, and *Un*, which is a negative Particle, and signifies without, and *Ath*, which is Oath, i. e. to swear that there shall be no Contention about it.

**Uncia terræ, Uncia agri.** These Phrases often occur in the Charters of the British Kings, and signify some Measure or Quantity of Land.

— *Sciendum est quod Gurcant Rex filius Corvini dedit Funapeio (it should be Lunapeio) Episcopo & Sanctis Dubricio & Teliavo & Ecclesie Landavia podum Louden cum tribus uncis agri & cum sua tota libertate.* Mon. Angl. Tom. 3. pag. 198. It was the Quantity of 12 modii, and each modius possibly 100 Foot square. — *Intuendum est nobis quod Catuath — agrum trium modiorum, id est, quartam partem uncie agri, immolavit Deo, &c.* Ibid pag. 205.

**Uncore pñst** Is a Plea for the Defendant, being sued for a Debt due at a Day past, to save the Forfeiture of his Bond, saying, that he tendered the Debt at the Time and Place, and that there was none to receive, and that he is still ready to pay the same. 7 E. 6. 6. 83 Dyer. See *Unques Priſt*. See also *Perkins, fect. 783, 784.* and *Co. lib. 9. fol. 79. Peytor's Case*.

**Untruth** Is a Saxon Word signifying as much as *Incognitus*, unknown, and is used in the old Saxon Laws for him that cometh to an Inn Guest-wife, and lies but one Night. In such Case his Host was not bound to answer for any Offence that he committed, whereof he was guiltless himself; but if he lay there a Second Night, then he was called *Guest, Hospes*, and then must the Host answer for him, as for one of his own Family. And if he tarried any longer, then he was called *Agentine*, that is, *Familiaris*, whom if he offend against the King's Peace, his Host was to see him forth-coming; or if he could not bring him out within a Month and a Day, he must satisfy for his Offences. *Lamb. Archaion. fol. 133. num. 7.* And *Bracton, lib. 3. cap. 10. num. 2.* writes thus of the same, *Item secundum antiquam consue-*



*consuetudinem dici poterit de familia aliujus, qui Hospes fuerit cum alio per tres noctes; quia prima nocte poterit dici Uncuth; secunda vero, Gult, tertia nocte Hogenehinc. See Third-night-awne-hinc.*

**Unde nihil habet** Is a Writ, concerning which, see *Dote unde nihil habet*.

**Under-Chamberlain** of the Exchequer Is an Officer there that cleaves the Tallies, written by the Clerk of the Tallies, and reads the same, that the Clerk of the Pell, and the Comptrollers thereof, may see their Entries be true. He also makes Searches for all Records in the Treasury, and hath the Custody of *Domesday Book*. There be Two Officers there of this Name.

**Under-Excheater, Sub-excheator, Anno 5 E. 3. cap. 4.** See *Excheater*.

**Under Sheriff, Sub-vicecomes.** See *Sheriff*.

**Underfitter** Is an Inmate. See *Inmate*.

**Undertakers** Were such as the King's Purveyors employed as their Deputies. *Anno 2 & 3 Ph. & Mar. cap. 6.* And such as undertake any great Work, as draining of Fens, &c. *Anno 43 El. cap. 11. See 12 Car. 2. cap. 24. 13 Car. 2. cap. 8. 14 Car. 2. cap. 20.*

**Under-Treasurer of England, Vice-thesaurarius Angliae, Anno 39 Eliz. 7.** This Officer, as some think, was first created in the Time of Henry the Seventh, to chest up the King's Treasure at the End of every Term, and to note the Content of Money in each Chest, and to see it carried into the King's Treasury in the Tower, for the Ease of the *Lord Treasurer*, as being a Thing too mean for him to be troubled with, and yet fit to be performed by a Man of great Secrecy and Trust. He, in the Vacancy of the *Lord Treasurer's Office*, doth all Things in the Receipt, &c. But this Officer, in the Opinion of others, is far more antient. Yet named *Treasurer of the Exchequer* in the Statutes till Queen Elizabeth's Time, where he is termed *Under-Treasurer of England*. Yet *Anno 35 Eliz.* he is also written *Treasurer of the Exchequer*: Read the Statutes 8 E. 3. *stat. 2. cap. 17. 27 E. 3. stat. 2. cap. 18. 1 Rich. 2. cap. 5. 4 Hen. 4. cap. 18. 8 Hen. 6. cap. 17. 27 Hen. 8. cap. 11.*

**Undres, Minors, or Persons under Age.** *Ante aetatem 21 annorum robusti vel habiles ad arma suscipienda pro patria defensione non reputantur, & ideo Undres dicuntur, & sub tutela Dominorum interim remanebant.* *Fleta, lib. 1. cap. 9.*

**Unfrid:** One who hath no Quiet or Peace.

**Ungeld, A Person so far out of the Protection of the Law, that if he were murdered no Geld or Fine should be paid, or Composition made by him that killed him.** As in the League between King Athelred and Anelun, *cap. 3. Si frithman, i. e. homo pacis frigiat vel repugnet, & se nolit iudicari, si occidatur jaceat ungeld, i. e. insolutus.*

**Ungolda Wker:** This is mentioned in *Brompton, Leg. Athelred. pag. 898.* and it signifies almost the same as *Ungeld*, viz. where a Man was killed attempting any Felony, he was to lie in the Field unburied, and no pecuniary Compensation was to be paid for his Death: From the Sax. *Un*, without, *Gilda*, solutio, and *acera*, ager.

**Uniformity, Uniformitas,** One Form of Public Prayers and Administration of Sacraments, and other Rites and Ceremonies of the Church of England, to which all must submit; prescribed by the Statutes 1 Eliz. *cap. 2. & 14 Car. 2. cap. 4.*

**Union, Unio,** Is a combining or consolidating of Two Churches into one, which is done by the Consent of the Bishop, the Patron, and the Incumbent: But there are Two other Sorts of it, as when one Church is made subject to the other, and when one Man is made Rector of both, and when a Conventual is made Cathedral, as you may read in the Chapter *Licet de locato & conducto*, in *Lindewode's Provincials, sect. & quia.* In the first Signification by the Statute 37 H. 8. *cap. 21.* it was made lawful to make an *Union*, or Consolidation of Two Churches in one, whereof the one is not above Six Pounds in the King's Book of the First-Fruits, and not above one Mile distant from the other. And by another Statute made 17 Car. 2. *cap. 3.* It shall be lawful for the Bishop of the Diocese, Mayor, Bailiff, &c. of any City or Corporate Town, and the Patron or Patrons, to unite Two Churches or Chapels in any such City, Town, or the Liberties thereof: Provided such *Union* shall not be good, if the Churches so united exceed the Sum of One Hundred Pounds *per Annum*, unless the Parishioners desire otherwise, &c.

**Unity of Possession, Unitas possessionis,** Is called *Consolidatio fructus & proprietatis* in the Civil Law, and signifies joint Possession of Two Rights by several Titles. As for Example, If I take a Lease of Land from one upon a certain Rent, and afterwards I buy the Fee-simple; this is an *Unity of Possession*, by which the Lease is extinguished, by Reason that I, which before had the Occupation only for my Rent, am become Lord of the same, and am to pay my Rent to none but my self.

**University, Universitas,** Is most usually taken for those Two Bodies which are the Nurseries of Learning and Liberal Sciences in this Kingdom, viz. Oxford and Cambridge; endowed with great Privileges, as appears not only by *Anno 2 & 3 P. & M. c. 15. 13 El. c. 21 18 El. 6.* but much more by their several Charters granted by divers Pious and Munificent Kings of this Land. See 14 Car. 2. *cap. 4.*

**Unlaga, A Saxon Word denoting a wicked or unjust Law, in which Sense the Word is read in Leg. Hen. 1. cap. 34, 84.**

**Unlawful Assembly, Illicita Congregatio,** Is the Meeting of Three or more Persons together, by Force, to commit some unlawful Act, and abiding together, though not endeavouring the Execution of it, as to assault or beat any Person, to enter into his House or Land, &c. *West. Symb. part 2. Tit. Indictment, sect. 65. Lamb. Eiren. cap. 19.* And by the Statute of 16 Car. 2. *cap. 4.* and 22 Car. 2. *cap. 1.* if Five Persons, or more, shall be assembled together, above those of the Family, at any Conventicle or Meeting, under Colour of any Exercise of Religion, it is unlawful, and punishable by Fines, and otherwise, as in the said Statutes is expressed.

**Unothing.** See *Nadering, Annals of Waverly. Gale 136.*

**Unques priff, Always ready,** Is a Plea whereby a Man professeth himself always ready to do or perform that which the Demandant requires. For Example, A Woman sues the Tenant for her Dower, and he coming in at the Day offers to aver, that he was always ready, and still is to perform it. In this Case, except the Demandant will aver the contrary, he shall recover no Damages:

mages: When this Plea will serve to avoid Charges, and when not, see *Kitchen*, fol. 243. See *Uncore* *prist*.

**Untrum** Is a Saxon Word, and signifies a weak or infirm Man.

**Vocalis**, i. e. So called, viz. by such a Name or Appellation: It is a Word often mentioned in *Matt. Westm. Posthac Morganus de tribu Wallensum*, & alter nomine *Madocus vocalis princeps eorum*, &c.

**Vociferatio**, Out-cry, Hue and Cry. — *Qui furem plegiatum dimiserit, qui ei obviaverit, & gratis sine vociferatione dimiserit, &c.* Leg. Hen. 1. cap. 12.

**Voidance**, *Vacatio*, Is a Want of an Incumbent upon a Benefice, and this is double, either in Law, as when a Man hath more Benefices incompatible; or in Deed, as when the Incumbent is dead, or actually deprived. Bro. Tit. *Quare impedit*, num. 51.

**Voir dire**, *Veritatem dicere*, When it is pray'd upon a Trial at Law, that a Witness may be sworn upon a *Voire dire*; the Meaning is, he shall upon his Oath speak or declare the Truth, whether he shall get or lose by the Matter in Controversy; and if he be unconcerned, his Testimony is allowed, otherwise not.

**Voltum**, a Vault. — *Lanfrancus Archiepiscopus reparavit Ecclesiam, in qua Sanctorum Episcoporum corpora in aquilonari parte super voltum magnum & pulcherrimum imposuit reverenter.* Osbornus de vita Bregwini apud Angl. Sacr. P. 2. pag. 77.

**Volumus** Is the first Word of a Clause in the King's Writ of Protection and Letters Patent, Anno 1 Rich. 2. cap. 8. and 13 Rich. 2. cap. 16. Of Protections, some are *Cum clausula volumus*, and of these there are Four Kinds, viz. 1. *Quia Prefecturus*. 2. *Quia Moraturus*. 3. *Quia indebitatis nobis existit*. 4. When any one sent into the King's Service beyond Sea in War, is imprisoned. Co. on Lit. sect. 199.

**Volunt**, *Voluntas*, Is, when the Tenant holds at the Will of the Lessor, or Lord, and that is in Two Manners; one is, when I make a Lease to a Man of Lands, to hold at my Will, then I may put him out at my Pleasure, but if he sow the Ground, and I put him out, then he shall have his Corn with Egress and Regress till it be ripe to cut, and carry it out of the Ground. And such Tenant at Will is not bound to sustain and repair the House as Tenant for Years is. But if he make wilful Waste, the Lessor shall have against him an Action of Trespass. The other Tenant at Will of the Lord is, by Copy of Court-Roll, according to the Custom of the Manor; and such a Tenant may surrender the Land into the Hands of the Lord, according to the Custom, to the Use of another for Life, in Fee, or in Tail; and then he shall take the Land of the Lord, or his Steward, by Copy, and shall make Fine to the Lord.

**Voluta** *tir. x.* For *Virgata terre*.

**Votum** For Nuptie; so *dies Votorum* is the Wedding-Day. *Fleta*, Lib. 4. cap. 2. par. 16. *Si donatarius ad alia vota convolaverat, &c.*

**Voucher**, *Vocans*, Is *vocabulum artis*, and signifies when the Tenant calls another into the Court, that is bound to him to Warranty. *New Book of Entries*, verb. *Voucher*; *Voucher de Garranty*. Brit. cap. 75. And that is either to defend the Right

against the Demandant, or to yield him other Lands, &c. in Value, and extends to Lands or Tenements of Freehold or Inheritance: He that *voucheth* is called *Voucher* (*vocans*) and he that is *vouched* is called *Vouchee*, (*Warrantus*). *Bracton* writes of this at large, l. 5. tract. 4. per totum. And *Litt.* in his *Tenures*, cap. ult. also *E. N. B.* fol. 134. And this seems in some Measure to agree to the Contract in the Civil Law, whereby the Vendee bindeth the Vendor, sometimes in the simple Value of the Things bought, sometimes in the Double, to warrant the secure enjoying the Thing bought; yet there is this Difference between the Civil and the Common Law, that the Civil Law binds every Man to warrant the Security of that which he selleth, which the Common Law doth not, except it be specially covenanted. The Process whereby the *Vouchee* is called, is a *Summons ad warrantizandum*. And if the Sheriff return upon that Writ, that the Party hath nothing whereby he may be summoned, then goes out another Writ called *Sequatur sub suo periculo*. See *Lamb. Explic. of Saxon Words*, verb. *Advocare*. A Recovery with a single *Voucher*, is, when there is but one *Voucher*: And with a double *Voucher*, is, when the *Vouchee* voucheth over, and so a treble *Voucher*. There is also a *Foreign Voucher*, when the Tenant being impleaded in a particular Jurisdiction, as in *London*, or the like; voucheth one to Warranty, and prays, that he may be summoned in some other County, out of the Jurisdiction of that Court, which might more aptly be called a *Voucher of a Foreigner*. *De forinsecis vocatis ad warrantizandum*. Co. on Lit. fol. 101. also Co. Rep. 2. fol. 50. Sir *Hugh Cholmley's Case*. *Voucher* is also used in the Statute 19 Car. 2. cap. 1. for a Leiger-Book, or Book of Account, wherein are entered the Acquittances or Warrants for the Accountant's Discharge.

**Vox**. *Voxem non habere* is a Phrase used by *Bracton*, lib. 3. cap. 34. par. 3. and by *Fleta*, lib. 1. cap. 34. par. 9. and in cap. 38. par. 21. and it signifies an infamous Person, one who is not admitted to be a Witness.

**Upland**, *Uplanda*, High Ground, or as some call it *Terra firma*, contrary to Moorish, Marsh or low Ground, — *Duramq; terram novem Milliaris per aquam*, de uplanda, id est, de superiori terra, scaphis deferri & paludibus committeri jussit. *Ingulph. Hist. Croyland*.

**Urlare**, (i. e. *Orulam vel limbos inferere*.) it is mentioned in *Mon. Angl.* 3 Tom. pag. 317. *Amictus de aurifrigio, &c.* *Urlatur de aurifrigio stricto & puro*.

**Ufa** Is the River *Isis*. *Tunc in rectum ad Undfordum, tunc sursum in Ufa ad Watlingstreet*. *Du Cange*. This River was called *Isis* from the Goddess of that Name: For it was customary amongst the Pagans to dedicate Hills, Woods, and Rivers, to some Goddess, and to call them after that Name. And the Britons having the greatest Reverence for *Ceres* and *Proserpina*, who was also called *Isis*, did for that Reason Name this River *Isis*; and she being the Goddess of the Night, from thence they computed Days by Nights, and Years by Months: Of which we have still some Remains, as *Seven-night*, *Fortnight*, &c.

**Usage**. See *Prescription*.

**Use**, *Usus*, In the original Signification is evident enough, but it hath also a proper Application in Law, and that is the Profit or Benefit of Lands or Tenements. *West. Symbol. lib. 1. sect.*

48, 49, 50, 51, 52. Every Deed consists of Two principal Parts, namely, the *Premisses*, and the *Consequents*; the *Premisses* is the former Part thereof, being all that which precedeth the *Habendum* or Limitation of the Estate, which are the Persons contracting, and the Things contracted. The *Consequent* is that which follows the *Premisses*, and that is the *Habendum*, in which are Two Limitations: The one of the Estate or Property, which the Party passive shall receive by the Deed: The other of the *Use*, which is to express in the said *Habendum* to or for what Use and Benefit he shall have the same Estate; and of the Limitation of such *Uses*, many Precedents are set down in the same *West. Symbol. part 1. lib. 2. sect. 308 & 327*. These *Uses* were invented upon the Statute of *Westm. 3. Quia emptores terrarum*, before which Statute no such *Uses* were known, *Perkins's Devises* 528. And because in Time many Deceits were invented, by settling the Possession in one Man, and the Use in another; to avoid which, and divers other Mischiefs and Inconveniences, was the Statute 27 H. 8. cap. 10. provided, which unites the Use and Possession together. See *Co. lib. 3. Chudley's Case, fol. 121*.

*Uter de action*, Is the pursuing or bringing an *Action*; which in what Place and County it ought to be, see *Bro. Tit. Lieu & County, fol. 64*.

*Usher, Ostiarius*, From the French *Huissier*, a Door-keeper of a Court, is an Officer in the Exchequer, of which Sort there are Four that attend the Chief Officers and Barons at the Court at *Westminster*, and Juries, Sheriffs, and all other Accountants, at the Pleasure of the Court. There are also *Ushers* in the King's House, as of the Privy-Chamber, &c. See *Black Rod*.

*Uslact*. See *Utlepe*.

*Uslact*, In *Privilegio de Sempringham*—*sint quieti tam ipsi quam homines eorum, &c. de omnibus misericordis & amerciaments & forisfacturis, &c. & de murdro, & latrocinio, & conceilis, & Uslact, & Hamsoka, Gritbrech, &c.* In *Keilway's Reports* it is written *Hutlatch*. But *Uslact* is the same with *Utlepe*: It should be wrote *Unflat*, which signifies an Escape of a Felon; from the Saxon *Ufleon*, i. e. *Aufugere*. It is mentioned in *Mon. Angl. 2 Tom. 127. Sint quieti, &c. de murdro & latrocinio & conceylis & Uslact & Hamsoka, &c.*

*Usuraption, Usucaptio*, The enjoying a Thing by Continuance of Time, or receiving the Profits, long Possession or Prescription.

*Usufructuary, Usufructuarius*, One that hath the Use, and reaps the Profit of any Thing.

*Usury, Usura*, Is the Gain of any Thing above the Principal, or that which was lent, exacted only in Consideration of the Loan, be it as well Corn, Apparel, Wares, or such like, as Money. And it is derived *ab usu & are, quasi usu ara, id est usus aris, & Usura est commodum certum quod propter usum rei mutuata accipitur*. *Co. 5 Rep. Payton's Case*. The Statute 13 Eliz. cap. 8. alloweth not *Usury*, but punisheth the Excess of it. And that of 21 Jac. cap. 17. expressly ordains, That no Word in that Law shall be construed and expounded to allow the Practice of *Usury* in Point of Religion or Conscience. And by the Statute 12 Car. 2. cap. 13. No Man must take above Six Pounds for the Forbearance of One Hundred Pounds for a Year, under the Penalties therein contained. See *Co. 3 Inst. fol. 151*. By the Stat.

3 & 11 H. 7. It is called *Dry Exchange*. By a late Statute, 1 Georgii, no Man must take above Five Pounds for the Forbearance of an Hundred Pounds for one Year. So that though *Usury* is now allowed, yet in former Times it was severely punished. In *Leg. Edw. Confes. cap. 37. Usurarios quoque defendit Rex Edw. ne remaneret aliquis in toto regno suo; & si quis inde convictus esset, quod scinus exigeret, omni substantia propria careret, & postea pro exlege habeatur, quoniam Usura radix omnium malorum*. They might dispose of their Goods before Conviction, and whilst they were living; but after their Death they were confiscate, so as it could be proved he lent Money to Use within a Year before his Death. *Mat. Paris. 113*. But if a Clergyman was an *Usurer*, his Goods were not to be confiscated, but were to be distributed to pious Uses.

In those Days *Usury* was thus defined:

*Est Usura suos quisquis tradit mihi nummos Spe lucri, sœnus duplex Usura vocatur.*

See *Stat. 15 Edw. 3 cap. 5, & 6. 37. H. 8. cap. 9. 5 & 6 Edw. 6. cap. 23. &c.*

*Usurious Contract* Comprehends any Bargain or Contract, whereby any Man is obliged to pay more Interest for Money than the Statute allows.

*Utas, Octava*, Is the Eighth Day following any Term or Feast, as the *Utas* of *St. Michael*, the *Utas* of *St. Hillary*, the *Utas* of *St. John Baptist*, &c. As you may read 51 Hen. 3. concerning general Days in the Bench; and any Day between the Feast and the *Octave*, is said to be within the *Utas*. The Use of this is in the Return of Writs, as appears by that Statute. At the *Utas* of the Holy Trinity, Preamble to the Statute 43 E. 3.

*Utenfile*, (Fr. *Utenfil*), Any Thing necessary for our Use and Occupation; Household-Stuff. I find in an antient Record *Ufilmentum* for *Utenfil*; and in another *Utenalia* for *Utenfils*. Item *lego Agneti uxori mea omnia Utenalia domus mea, lignea & anea*. *Testam. Johann. Hereford. Anno 1439*.

*Utsangthesf*, That is, *Fur extra captus, scilicet, extra Dominium vel Jurisdictionem*, Is an antient Privilege or Royalty granted to a Lord of a Manor, by the King, which gives him Power to punish a Thief dwelling out of his Liberty, and committing Theft without the same, if he be taken within his Fee. *Bracton, lib. 2. tract. 2. cap. 35*. says thus, *Utsangthesf dicitur extraneus latro, veniens aliunde de terra aliena, & qui captus fuit in terra ipsius qui tales habet libertates*. See *Utsangthesf*.

*Utibannum*, There is a Charter of *Maud de Pomerey*, granting to the Church of *Plimpton* in *Com. Devon*. Three Ferlings in the Manor of *Wodeford* for Four Shillings per annum on this Condition.—*Quod si murdum vel Danegeldis vel quodlibet aliud Utibannum super manerio de Wodeford euerit de istis quatuor solidis, quicquid de utibannis super predictos iv ferlingos euerit acquirabitur*. Ex *Registro de Plimpton, MS. penes Rev. Patrem D. D. Joh. Episc. Norwic.*

*Utlagh, Utblagns*, An Outlaw, signifies *Bannitum extra legem*. *Fleta, lib. 1. cap. 47*. And in *Mon. Angl. 2 par. fol. 618*. we read, *Fuit quidam Uthlagus famissimus partes istas frequentans propter iter*

*iter commeantium inter Nottingham & Derby per forestam. See Outlaw.*

**Utlagatio**, An Outlawry. *Rex omnibus, &c. Sciatis quod Interdictum, quod vulgariter Utlagatio nuncupatur, quod proponi fecimus contra personas Ecclesiasticas, publice revocavimus, protestantes id ad Nos de personis Ecclesiasticis minime pertinere.* — Pat. 15. Joh. p. 2. m. 8. intus.

**Utlagato** capiendo quando utlagatur in uno comitatu & postea fuit in altum, Is a Writ, the Nature whereof is sufficiently exprest by the Name. See Reg. Orig. f. 133.

**Utland**, *Terra externa dicebatur terra servilis seu tenementalis, quod de praeiunctu terrarum Dominicalium quæ Inland nuncupata sunt, in exteriorum agrum rejiciebantur. Vide Inland.*

**Utlary** or **Utlary**, *Utlagaria vel utlagatio*, Is a Punishment for such as being called into Law, and lawfully sought, do contemptuously refuse to appear, after an Original Writ with a *Nihil habet*, Three Writs of *Capias*, *Alias* & *Pluries*, returned by the Sheriff *Non est inventus*, and an Exigent with a Proclamation thereupon awarded. And *Bracton* says, He must be called at Five Counties, a Month between every County, lib. 3. tract. 2. cap. 11. And if he appear not within that Time *pro exlege tenebitur, cum Principi non obediat nec legi, & extunc utlagabitur*; that is he shall be pronounced out of the King's Protection, and deprived of the Benefit of the Law. The Effect of this is divers; for if he be Outlawed at the Suit of another in a Civil Cause, he shall forfeit all his Goods and Chattels to the King; if upon Felony, then he shall forfeit all his Lands and Tenements which he hath in Fee, or for Life, and his Goods and Chattels; *Et tunc gerit caput lupinum, ita quod sine judiciali inquisitione rite pereat & secum suum judicium portet, & merito sine lege pereat, qui secundum legem vivere recusaverit, &c.* *Bract.* lib. 3. tract. 2. cap. 11. And the same lib. 3. tract. 2. cap. 14. And *Fleta*, lib. 1. c. 27, 28. say, a Minor or Woman cannot be outlawed: For where a Man is said to be Outlawed, a Woman is termed *waived*. F. N. B. 161. How an Outlaw is inlawed again, and restored to the King's Peace and Protection, see *Bracton* and *Fleta*, ubi supra. See Outlaw.

**Utlere**, *Significat escapium, hoc est, evasionem latro- num.* *Fleta*, lib. 1. c. 47. and 18 H. 6. Pat. 2. m. 22.

**Utrum**. See *Affise*.

**Utter-Barristers**, *Juris consulti*, Are such, who for their long Study, and great Industry bestowed upon the Knowledge of the Common Law, be called from their Contemplation to Practice, and in the Face of the World, to take upon them the Protection and Defence of Clients. These in other Countries are called *Licentiatii in jure*. The Time before any one ought to be called to the Bar by the ancient Orders, was heretofore Eight Years, now reduced to Seven, and the Exercises done by him (if he were not called *Ex gratia*) were Twelve Grand Moots performed in the Inns of Chancery in the Time of the Grand Readings, and Twenty-four Petty Moots at the Inns of Chancery in the Term-Times, before the Readers of the respective Inns of Chancery. A Barrister newly called is to attend the Six next long Vacations Exercise of the House, viz. in Lent and Summer, and is therefore for those 3 Years called a *Vacation Barrister*. And they are called *Utter-Barristers*, i. Pleaders without the Bar, to distinguish them

from Benchers, or those who have been Readers, who are sometimes admitted to plead within the Bar; as the King, Queen, or Prince's Counsel are.

**Uultiba**, A Wound in the Face. *Vultuam* 50 fol. componat. And *Vultuarius* signifies a Witch; so called from making the Image of a Face in Wax, and sticking Needles in it. From which it was called *Defixio*.

**Uultus de Luca**, The Image of our crucified Saviour kept at *Lucca* in the Church of Holy Cross. *Eadmerus*, lib. 1, & 2. tells us, That William the Conqueror often swore *per sanctum vultum de Luca*, viz. pag. 16, 19, 47, 51, 54. And *Malmesbury* writes the same Thing, Lib. 4. p. 121, & 124. and Lib. 1, & 3. *De gestis Pont. Angl.* pag. 217, 277.

**Uzella æstuatium**, The Mouth of the River Parret in *Somersetshire*, near *Huntspill*.

**Uzella**, *Lestythiel* in *Cornwall*.

W.

**Waddemole**, now called *Wodmell*, and in *Oxfordshire* *Woddenell*, a coarse Sort of Stuff used for the covering of the Collars of Cart-Horses. Mr. Ray in his *Collection of East and South Country Words*, describes it to be a hairy coarse Stuff, made of Island Wool, and brought thence by our Seamen to *Norfolk*, *Suffolk*, &c. — *Et in quinque virgatis de Waddemole emptis pro coleris equinis hoc anno 11 fol. 1 den.* — *Paroch. Antiqu.* p. 574.

**Wastors**, *Wastores*, Edward the Fourth constituted a Triumvirate of Officers with Naval Power, whom the Patent 22 Ed. 4. membr. 2. stiles *Custodes*, *Conductores* and *Wastores*; and these were chiefly to guard our Fishermen on the Coast of *Norfolk* and *Suffolk*. We still retain the Word to *wast over*, that is, to conduct or convey over Sea.

**Waga** alias *Uaga*, a *Weigh*, which is a Measure of Cheese, Wool, &c. containing Two Hundred and Fifty-Six Pound of *Averdupois*: For by the Statute 9 H. 6. c. 8. a Weight of Cheese ought to contain Thirty-Two Cloves, and each Clove Eight Pound, tho' some say but Seven; *Unam Wagam salis de salinis suis de Terimeton.* Mon. Ang. 1. par. fol. 515. See *Weigh*. *Lambard* tells us, that a Weight of Wool at *Salisbury* and other Places is but Thirty Pounds. *De prisicis Angl. legibus*, fol. 221.

**Wage**, *Vadiare*, From the French *Gager*, *dare pignus*; Signifies the giving Security for the Performance of any Thing; as to *wage Deliverance*, which see in *Gage*, to *wage Law*. See in *Law*. None wages Law against the King. Bro. Tit. *Chose in Action*, num. 9. See *Co. on Lit.* fol. 294. Tit. *Ley-gager*.

**Wager of Law**. See *Law*.

**Waif** or *Ulept*, *Walvium*: Goods waived are such as a Thief having feloniously stolen, and being newly followed with Hue and Cry, or else over-charged with the Burden or Trouble of the Goods, for his own Ease, and more speedy Flight, flies away, and leaves the Goods behind him; then the King's Officer, or the Bailiff of the Lord of the Manor, (within whose Jurisdiction they be left) who by Prescription, or Grant from the King, hath the Franchise of *Waif*, may seize



seize the Goods so waived to his Lord's Use, except the Owner come with a fresh Suit after the Felon, and sue an Appeal within a Year and a Day, or give Evidence against him at his Arraignment, and he be attainted, &c. In which Cases the first Owner shall have Restitution of his Goods so stolen, and waived. And though Waif is properly spoken of Goods stolen, yet it may be also of Goods not stolen: As if a Man be pursued with Hue and Cry as a Felon, and he flies, and leaves his own Goods; these shall be forfeited as Goods stolen, and are properly called *Fugitives Goods*, which are not forfeited, till it be found before the Coroner, or otherwise of Record, that he fled for Felony. A Thing *pro derelicto habita*, waived and forsaken, is *nullius in bonis*. See 29 Ed. 3. Waifs, Things lost, and Estrays. Waif is derived from the Lat. *Vagus*, and Estray from *Extrahendo*; the one is defined to be *Pecus vagrans*; the other is of the same Nature, because wandering Cattel *extrahuntur alieno solo*; and they are said to be *Nullius in bonis ubi non apparet Dominus*; and therefore they belong to the Lord of the Franchise where they are found, who must cause them to be cried and published in the Markets and Churches near about, else the Year and Day does not run to the Prejudice of him that lost them. Briton, cap. 17. Plac. coram Joh. de Berewel & Sociis suis Justic. Itin. apud Salop. in Octab. Sancti Michaelis 20. Ed. 1. Rot. 29. in Dorso. Richardus fil. Alani Comes Arundel summonitus fuit ad respondend. Domino Regi de placito quo Warranto clamat habere placita Corona & habere Wayf in Manerio suo de Upton sub- tus Haweman, &c. in Com. Salop. Et Comes dicit quod ipse clamat habere Infangene-thef & Wayf, & eadem placita & libertates habuerunt ipso & omnes antecessores sui, & eisdem usi sunt a tempore quo non extat memoria, & eo Warranto clamat, &c. Et Hugo de Lowther qui sequitur pro Domino Rege dicit quod Wayf est quoddam grossum de Corona, ita Corona Domini Regis annexum, quod nullus eo gaudere possit, nisi inde habeat speciale Warrantum a Domino Rege vel antecessoribus suis concessum. Wayf i. e. Si aliquis adduxerit aliqua animalia, ut oves, boves, equos, & huiusmodi, vel aliquas alias res, & inde suspectus & arrestatus fuerit a Balivis Prioris donec probaverit per fideles homines, quod illa res furata non fuerant, & ille dimissus non redierit: Distra res seu animalia servabuntur per unum annum & unum diem, & si ille non redierit & res suas esse probaverit, erunt Prioris, &c. Si aliquis alius venerit, & res suas legitime esse probaverit, datis expensis, illas habebit. Ex Registro Prior. de Cokesford.

**Wainable**, That may be ploughed or manured, tillable, — *Dedimus*, &c. in loco qui vocatur Ship-lade la Moreis & la terra wainable & la Bruere, &c. Carta Rogeri de Scales, sine dat.

**Wainage**, *Wainagium*, May be derived from the Saxon *Wen*, id est, *Plaustrum*. And any others Villain than ours shall be amerced saving his Wainage, if he fall into our Mercy. Mag. Chart. cap. 14. Sir Edward Coke, 2 par. Inst. fol. 28. says, It signifies the Countenance of a Villain; but why not rather the Furniture of his Cart or Wain. See *Gainage* and *Wannage*.

**Waitefee**, Tho. Spelman filius Johannis, &c. dicitur tenuisse Manerium de Narborough, cum ter-tia parte advocacionis Ecclesie, &c. de Domina Regina ut de Manerio suo de Wingrave per servitium mili-tare & per redditum 14 s. pro Waitefee, & Castle-garde & valet clare per annum, 34 li. 17 s. 10. qua-drant. Patent in Schedula liberationis Joh.

Spelman fratris sui. 7 Aug. 5 Eliz. This might probably be a Fee to excuse his waiting at the Castle.

**Waibe**, *Waiviare*, Is to forsake. Reg. Orig. 277. Tho Civilians term it *Habere pro derelicto*, and so *Waiviare feudum suum* significs, To Waive the Company of Thieves. Staundf. Pl. Cro. fol. 26. But this Word properly belongs to a Woman, who is said to be waived, as a Man to be Outlawed. Reg. Orig. fol. 132. And the Reason is, be-cause she cannot be outlawed as a Man is; for a Woman cannot be of the Decennary, which in former Times was accounted to be in Lege. Many of the King's Leige People outlawed, and many waived by erroneous Process. Anno 7 H. 4. c. 15. See *Utlary*.

**Waibiaria** *Wulieris*. See *Waive*.

**Waibe**, Vigil, Eve-Feast of the Dedication of Churches. See the Original and continued Ob-servation of them historically delivered, in Ken-net's Paroch. Antiquit. p. 609.

**Wakenan**, The chief Magistrate of the Town of Rippon in Yorkshire, so called, quasi Watchman. Cambd. Brit.

**Wakes**, (from the Sax. *Wa*, Temulentia.) These were the Vigils in Dedications of Churches, where Men sat drinking in the Choir all Night.

**Walb**, (*Walda*.) See *Weald*.

**Walda**, A Wood, or wild woody Ground — *Sexaginta acras terre, videlicet, quinquaginta acras & unam perticam in manerio nostro de Suthbrente, cum Walda que jacet juxta eandem terram.* — Chartular. Abbat. Glaston. MS. fol. 67. a.

**Waldaga** Wood. *Et debent pro qualibet Swellinga, (i. e. as much as one Plough can till,) 14 d. per Annum, per Schipperbere, (i. e. Sheephare,) Timberlode, (i. e. Loading of Timber,) Bordlode, vel caviare extra Waldam per mare vel per terram ad manerium.* Thorn. anno 1364.

**Walecheria** for Vaccaria.

**Wales**, *Wallia*, Is Part of England on the West-side, inhabited by the Off-spring of the an-cient Britains, chased thither by the Saxons, cal-led in to assist them against the Picts and Scots: But now they are incorporated to England. See Lamb. Explication of Saxon Words, verb. *Wallus*.

**Walefcus**. *Ipse Episcopus Walterus (scil. Heref.) habuit unam Hidam Walefcam, T. R. E. vastatam.* Domesday.

**Waliscus**, A Servant or any ministerial Offi-cer; from Sax. *Wealh* a Foreigner or Stranger — *Si homo Waliscus habeat terra hidam, cuera sua est 120 sol.* — Leg. Ina Regis, c. 34. — *Regis equi Waliscus, qui nuntiari possit ad eum, were-gildum ejus est 200 sol. c. 35.*

**Walkers** Are such as are otherwise called Foresters. Crompt. Fur. fol. 145. There are Fore-sters assigned by the King, who are Walkers with-in a certain Space of Ground assigned to their Care.

**Wallingford**. See *Gallena*.

**Walls**, *Wallia*, Sax. *Wal*. Lat. *Vallum*. A Bank of Earth cast up for a Mound or Boundary. — *Mando vobis quatenus — justitiis meos homi-nes — ut faciant Wallas & Watergangs & clausuras Wallarum, sicut debent facere.* — Mon. Angl. Tom. 2. pag. 920. Sea-walls in Rom-ney-Marsh, &c. *Wallare*, to repair or keep up the said Walls. — *Reddendo inde nobis 2 marcas* ar-

argenti ——— pro omni servitio nisi quod debet Wallare secundum quantitatem illius terra intus & extra. ——— Somner of Gavelkind, pag. 191.

Walsbiana mulieris Is as much as Utlagatio viri. Reg. Orig. f. 132.

Wall or Sea-wall. See Water-gate.

Wallecheria or Walecheria, ——— Quod quatuor villate propinquiores loci ubi casus Homicidii vel infortunium contigerit, veniant ad proximum Comitatum una cum inventore & Wallecheria, i. Parentela hominis interfecti, & ibidem presentent factum felonie & casum infortunii, &c. I find (saith Spelman) in a certain Note, a Wallecheria, i. Parentela interfecti, scil. unus ex parte patris & alius ex parte matris, and concludes that significavit Walliæ pars ut videtur. Extenta terrarum Johannis filii Alani, 52 H. 3. viz. de Albo monasterio. Dicunt quod est ibi Wallecheria, quæ reddit de annuo redditu 3 l. 1 s. ad Festum Sancti Mich. Item in tota Wallecheria sunt tres homines, & quilibet eorum debet invenire unum hominem per tres dies in qualibet Septimana a Festo S. Mich. usque ad Festum beati Petri ad vincula. Etc. 52 H. 3. n. 37.

Wambasarius. See Gambezon.

Wang Properly signifies in the Saxon Tongue a Field, but we use it also for the Cheek or Jaw-teeth, which Chaucer calls Wangs and Wang-teeth, according to these Verses,

And in witness that this is sooth.  
I bite the wax with my wang tooth.  
See Wong.

Wanga, An Iron Instrument with Teeth, from Sax. Wang, the Jaws. ——— Idem computat in curtillagio fodiendo xiii den. in bechis, tribulis, & wangs emptis & reparandis iii fol. ii den. ——— Consuetud. Domus de Farendon. MS. f. 18.

Wangenetheof. Maneriolum de A. sit quietum de Gelth & Scotch, de Wrecho & de Wangene-theof & Danegweld, &c. Pat. 22 H. 4. par. 1. m. 33. Quare.

Wannage, (Wannagium.) Eodem anno (scil. 1198.) Rex Angl. accepit de unaquaque carucata terra sive Hyda totius Angliæ 5 Sol. de auxilio, ad quos colligendos misit idem Rex per singulos Comitatus Angliæ unum Clericum & etiam unum militem. Qui se erunt venire coram se Seneschallos Baronum illius Comitatus, qui juraverunt quot Carucarum Wannagia fuerint in singulis villis, &c. Ipsi vero qui electi fuerant & constituti ad hoc negotium Regis faciendum, statuerunt per estimationem legalium hominum, ad uniuscujusque carucæ Wannagium, centum acras terre. Hoveden. Annal. par. postea. fol. 443. num. 30. See Wainage. Quod ego H. & heredes mei villas & adificia & Wannagia ad libitum nostrum in terris pr. nominatis faciemus & claudemus xl. acras terre ad excolendum vel ad tonsandum, ad libitum nostrum. Mon. Angl. 2 par. fol. 612. a. In this last Citation Wannagia seems to signify Wainhouses, or necessary Out houses for Husbandry. I have also seen Wannage used for Tillage. Reg. de Welbec. fol. 91. and Guannagium in the same Sense. 3 Mon. f. 78. b.

Wanlassus, In the Manor of Sutton-Colfield, Com. Warwic. ——— qui tenuerunt in bondagii tenura solebant vocari Cusumarii, & quotiescunque Dominus ad venandum venerit, illi Cusumarii solebant fugare Wanlassum ad stabulum in fugatione ferarum bestiarum, i. e. To drive the Deer to a Stand,

that the Lord may have a Shoot. Blount of Tenures, p. 140.

Wapentake, or Walspentake Is all one with that we call a Hundred, as appears by Bracton, lib. 3. tract. 2. c. 1. num. 1. Convocentur (he saith) servientes & Ballivi Hundredorum, & per ordinem irrotulentur Hundredarii sive Wapentachia & nomina servientium, &c. Nominis autem origo, non ab armorum tractu, ut Hovedeno traditum; sed hinc, quod quoties novus esset Hundredi Dominus, ei in subjectionis signum arma redderent vassalli, ut Ranulfo Cestrensi observatum. Lib. 1. cap. 5. And Lambard in his Explication of Saxon Words, verb. Centuria, is of the same Mind; adding that this Word is specially used in the North-Countries beyond the River Trent. And in the Laws of King Edward the Confessor, are these Words, Et quod Angli vocant Hundredum, supradicti comitatus vocant Wapentachium. The Original of the Name Hoveden derives a tactu armorum, because cum quis accipiebat præfecturam Wapentachii, die statuto in loco ubi consueverant congregari, omnes Majores contra eum conveniebant & descendente de equo suo, omnes assurgebant ei. Ipse vero, erecta lancea sua, ab omnibus secundum morem sædus accipiebat: Omnes enim quotquot venissent cum lanceis suis ipsius hastam tangebant, & ita confirmabant per contactum armorum pace palam concessa, &c. But we take it from thence, Quod quoties novus esset Hundredi Dominus ei in subjectionis signum arma redderent Vassalli. Ranulph. Cest. lib. 1. cap. 5. See Flea, lib. 2. cap. 61. sect. universimode. Sir Thomas Smith de Rep. Anglor. lib. 2. cap. 16. says, That anciently Musters were taken of the Armour and Weapons of the several Inhabitants of every several Wapentake, and from those that could not find sufficient Pledges for their good Abearing, their Weapons were taken away, and given to others. The Statutes 3 H. 5. cap. 2. 9 H. 6. cap. 10. and 15 H. 6. cap. 7. make Mention of Staincliffe Wapentake and Friendless Wapentake in Craven, in the County of York. See Cambd. Brit. fol. 159. and Co. 2. par. Inst. fol. 99. Wapentake hoc est quietancia de festis & Hundredis quod dicitur Wapentake, MS. in Biblioth. Cotton. sub Tit. Vitellius. See Kennet's Glossary. The Word seems to be of Danish Original, and to be so called for other Reasons than what is given by Sir Tho. Smith, viz. When first this Kingdom was divided into Wapentakes, he who was the Chief of the Hundred, and whom we now call a High Constable, as soon as he entered upon his Office, appeared in the Field on a certain Day on Horseback with a Pike in his Hand, and all the chief Men of the Hundred met him there with their Lances, who alighting, they touched his Pike with their Lances; which was a Sign that they were firmly united to each other, by the touching their Weapons; for in Sax. Weapen is Armitura, and Tac, tactus.

Others say 'tis derived a Sax. Weapen, Arma, and Teacen, Tradere; because the Tenants delivered their Arms to every Lord, as a Token of their Homage and Subjection.

Wara, A certain Quantity or Measure of Ground. ——— Præterea concedimus in elemosynam eidem Ecclesiæ eadem libertate totam terram quam tenuerat Brisardus in Stanes, scilicet, Waram & dimidium cum cotelandis & insuper medietatem totius nemoris. — Ad opus Ecclesiæ vendiderunt, scilicet, unam Waram & duas cotelandas cum dominio & prato — Mon. Angl. Tom. 2. pag. 128.

**Wara libera.** — *Libera wara est unus redditus, & talis conditionis, quod si non solvatur suo tempore, duplicatur in crastino, & sic deinceps in dies* — Tabularium Abbatiz S. Petri de Burgo. MS.

**Wards, City Wards,** The Districts or Divisions of a City; as in London there be 26 Wards, according to the Number of the Mayor and Aldermen, of which each has a particular Ward for his proper Guard and Jurisdiction.

**Ward, Custodia,** Hath divers Significations, as a Ward in London, in Latin *Warda*, which is a Portion of the City, committed to the special Charge of one of the Aldermen of the City. See *Stow's Survey of London*: Also a Forest is divided into Wards. *Manwood*, part 1. pag. 97. Thirdly, A Prison is also called a Ward. Lastly, The Heir of the King's Tenant, that held by Knight's Service or in Capite, was called a Ward, during his Nonage. 32 H. 8. 46. But this last is taken away by the Stat. 12 Car. 2. c. 24.

**Warda, (i. e. Custodia.)** In *Walsingham*, pag. 120. *Data suis custodibus saporifera potione, evasit per omnes turris custodias, quas Wardas vocamus.*

**Warda, i. e. the Custody of a Town or Castle,** which the Tenants and Inhabitants were bound to keep at their own Charge. 'Tis the same with *Wardagium*. Mon. Angl. 1 Tom. p. 372.

**Warda Ecclesiarum,** The Guardianship of Churches, which is in the King during the Vacancy, by reason of the Regalia, or Temporalities. *Matt. Paris* and *Matt. Westminster*, Anno 1248. writing of Henry III. tell us, *Regardatus est insuper quod Episcopatus & Abbatis & etiam Gardas vocantes immisericorditer depauperat, &c.*

**Wardage, (Wardagium.)** *Sed sint quieti de quolibet Theolonio, Tallagio, Passagio, Pedagio, Lastagio, Hidagio, Wardagio, & omnibus Geldis, Fengeldis, Horngeldis, Fortgeldis, Penigeldis, Tendpenigs, Hunderpenigs, Miskemelig, Brenalpeninge, Grichbregis, &c. Charta Gilberti Tison summi Vexillatoris Anglia. Sine dat.* It seems to be the same with *Wardpenny*, which see; or to be free from *Wardship*.

**Wardecorne,** The same with *Cornage*, i. e. a Duty incumbent on the Tenants to guard the Castle, by sounding a Horn upon the Approach of an Enemy. *Monasticon*, 1 Tom. p. 976. *Et sint quieti de thesauro ducendo & Wardpenny, Wardecorn, Averspenny, Hundredpenny, &c.*

**Warden, Gardianus,** Is the same with the French *Gardein*, and signifies him that hath the Keeping or Charge of any Person, or Thing, by Office; as Wardens of the Societies in London. 14 Hen. 8. cap. 2. Warden Courts. 31 Hen. 6. cap. 3. Warden of the Marshes. 4 H. 7. c. 8. Wardens and Commonalty of the Lands contributory to Rochester Bridge. 18 Eliz. 7. Warden of Peace, 2 Ed. 3. 3. Stat. Northampton. Warden of the West-Marshes. *Cambd. Brit.* p. 606. Warden of the Forest. *Manwood*, part 1. pag. 42. & 111. Warden of the Alnage. 18 H. 6. 16. Warden of the King's Wardrobe. 51 H. 3. Stat. 5. Wardens of the Tables of the King's Exchange. 9 Ed. 3. Stat. 2. cap. 7. & 9 H. 5. Stat. 2. cap. 4. Wardens of the Rolls in the Chancery. 1 Ed. 4. cap. 1. 5. Warden or Clerk of the Hanaper in Chancery. *Ibid.* Warden of the King's Writs and Records of his Common Bench. *Ibid.* Warden of the King's Armour in the Tower. 1 Ed. 4. 1. Warden of the House of the Converts. 12 Car. 2. ca. 30. And Warden of the Stannaries. 14 Car. 2. cap. 3. See *Gardian*.

**Wardscoll, or Wardsegh.** *Sciant presentes & futuri quod ego Henricus de la Morton dedi Rogero de Foresta & Johanne uxori sue pro duodecim solidis & sex denariis, quæ mihi dederunt præ manibus, unam acram terra mea de tribus selionibus, &c. Reddendo inde annuatim ad Festum Sancti Michaelis mihi & heredibus meis unum denarium pro omni servitio, beriotto, releio, warda, regali servitio, Wardsegh & pro omnimoda selta Curia mea & heredum meorum & assignatorum nostrorum & pro omnibus consuetudinibus & exactionibus, &c. Sine dat.* It signified the Value of a Ward, or the Money paid to the Lord for his Redemption from *Wardship*.

**Wardmote (Wardmote)** Is a Court kept in every Ward in London, (Anno 32 H. 8. c. 17.) ordinarily called among them the *Wardmote-Court*. Vide *Charta. H. 2. de Libertatibus London.* where there are Twenty-six Wards, which are as Hundreds, and the Parishes as Towns. 4 Inst. f. 249.

**Wardpenny, alias Warpenny and Warthpenny,** is Money contributed to Watch and Ward. *Denarii Vicecomiti vel aliis Castellanis persolvi ob castrorum presidium, vel excubias agendas. Concedo etiam eidem Ecclesie leugam circumquaque adjacentem, liberam & quietam ab omni geldo & selta & Hidagio & Danegeldo & opere pontium & Castellorum & parcorum & omnibus auxiliis, placitis, & querelis, & seivis & Hundredis; cum saca & soca, & Thol & Theam, & Infantibus & Warpenny, & Lestage, & Hamscorne, & Forstal, & Blodwite, &c. Chart. Gul. Conq. Ecclesie S. Martini de Bello. Retinui vero mihi & heredibus meis Wartpenny & Peterspenny, de predicta terra. Charta Bertram de Verdon. Penes W. Dugdale mil. Warpenna. Domesday.*

**Wards and Liberties (Wardi & liberatura)** was a Court first erected in King Henry the Eighth's Time, and afterwards augmented by him with the Office of *Liveries*, and therefore called by him *The Court of Wards and Liveries*, now taken away and discharged by Stat. 12 Car. 2. cap. 24.

**Ward-silver, Custumarius in Berton magna reddit obolum ad Ward-silver ad terminum.** — *Cartular. Abbatiz S. Edmund, MS. fol. 26. Willielmus le Kyng tenet 8 acras — solvit t den. ad Ward-silver die Sancti Petri ad vincula. Ib.*

**Ward-staff,** The Constable's or Watchman's Staff. *Lambourn Manor in Essex* is held by Service of the *Ward-staff*, viz. To carry a Load of Straw in a Cart with Six Horses, Two Ropes, Two Men in Harness, to watch the said *Ward-staff* when it is brought to the Town of *Aibridge*. *Cambden in Essex.*

**Wardwaite, (Sax.)** Significat quietantiam misericordie in casu quo non invenit quis hominem ad Wardam faciendam in castro vel alibi. *Fleta lib. 1. Immunitas a praesidiis faciendis, vel ab eorum contributione. Spelm.* But *Skinner* is of Opinion, That 'tis a Duty paid towards the Charge of Watching, rather than an Exemption from that Duty; from the Sax *Weard, Vigilia, and Wite, Mul-ta.*

**Warefare,** To fallow Ground, or plough up Land (designed for Wheat) in the Spring, in order to let it lie fallow for the better Improvement; which in *Kent* is called *Summer-land*. — *Mense Aprili warestandi erit tempus idoneum & amœnum, cum terra frugerit post carrucam. Fleta, l. b. 2. c. 33. Hence warestabilis campus, a fallow Field; Campus ad warestam, Terra warestata, &c. See Mr. Kennet's Glossary in warefare.*

**Warectum**, and **Terra Warecta**, (*Wareccum* & *Varectum*, Fr. *Terre garee*.) Land that has been neglected, and long untill'd: Also fallow Ground. *Tempus warecti*, in ancient Records, signifies the Time wherein Land lies fallow, the fallow Year, or Season for fallowing Land. In *Warectis*, in *brueris*, in *boscis*, in *mariscis*, in *defensis*, & in *omnibus terris*, &c. *Mon. Angl.* 2 Par. fol. 253. a. xxv. *Acras unoquoque anno ad seminandum, & totidem ad Warectandum. Idem*, 1 Par. f. 525. b. See *Yoenagium*.

**Warcus**, A Wharf. *Piscarias vias, chimina, Warphos, vacuos fundos*, &c.

**Wargus**, A banished Rogue, who lives by Robbery. *Leg. H.* 1. c. 83. *Et si quis corpus in terra, vel noſſo, vel petra expoliare preſumpſerit, Wargus habeatur.* See *Vargus*.

**Warland**, The ſame with *Warectum*.

**Warlaunde**, *Johannes Prior & Conventus Eccleſie Chriſti Cantuar. confirmant cartam Ricardi Archiepiſcopi Cant. concedentis Willielmo de Attone & heredibus ſuis ut duodecim acras de Warlaunde cum pertin. apud Hakintone, quas tenebant in Gavelkind, in futurum teneant pro redditu 11 ſol. 11 den. Regiſtr. Eccl. Chriſti Cant. MS.*

**Warniamentum**, A Garment, a Suit of Cloaths.

— *Pro hac donatione conceſſerunt Abbas & Monachi Radinges mihi & Cecilia uxori mea corrodia & warniamenta ſecundum quod in carta eorum continentur. Chartular. Radinges. MS. f. 63.*

**Warniſtura**, Garniture, Furniture, Proviſion.

— *Exceptis ab hac quinta decima libris & ornamentis Eccleſiarum—& exceptis bladis ad warniſturam caſtrorum emptis. Pat. 9. H. 3. Brady Hiſt. Eng. Append. p. 169.*

**Warminiſter**. See *Verlucio*.

**Warnoth**. *Inter Record. de Recept. Sacc. Trin.* 33 Ed. 1. *Linc.* 46. *coram Rege*, I find it to be an ancient Cuſtom; whereby, if any Tenant, holding of the Caſtle of Dover, failed in paying his Rent at the Day, he ſhould forfeit double; and for the ſecond Failure, treble, &c. And in *Mon. Angl.* 2 Par. f. 589. a. *Terris cultis & terris de Warnoth.*

**Warpenna**, Wardpenny. *Liddington. Homines hujus Munerii reddunt Warpennam Vic. Regis aut cuſtodiam faciebant. Domesday, Tit. Grentbrigſcire.* See *Wardpenny*.

**Warrantia Chartæ** Is a Writ that lies properly for him, who being infeoffed in Lands or Tenements, with a Clause of *Warranty*, and is impleaded in an *Aſſiſe* or *Writ of Entry*, wherein he cannot vouch or call to *Warranty*: For in this Caſe his Remedy is to take out this Writ againſt the Feoffor, or his Heirs. *Reg. Orig.* fol. 157. *E. N. B.* fol. 134. *Fleta*, lib. 6. c. 35. and *West Symb.* part 2. *Tit. Fines*, ſect. 156.

**Warrantia cuſtodie** Is a Writ Judicial, and lay for him who was challenged to be a *Ward* to another, in reſpect of Land ſaid to be holden in Knights-Service, which when it was bought by the Anceſtors of the *Ward*, was warranted to be free from ſuch Thralldom, and it lay againſt the *Warranter* and his Heirs. *Reg. Judic.* fol. 36. But now by the Statute made 12 Car. c. 24. it is become altogether out of Uſe.

**Warrantia diei** Is a Writ lying in caſe where a Man having a Day aſſigned perſonally to appear in Court to any Action wherein he is ſued, is in the mean Time, by Commandment, employed in the King's Service, ſo that he cannot come at the Day aſſigned. This Writ is directed to the

the Juſtices to this End, that they neither take nor record him in Default for that Day. *Reg. Orig.* f. 18. Of this read more. *E. N. B.* fol. 17. and *Glanville*, lib. 1. c. 8.

**Warrant of Attorney** Is a *Warrant* whereby a Man appoints another to do ſomething in his Name, and warranteth his *Action*: Which ſeems to differ from a *Letter of Attorney*, which paſſeth ordinarily under the Hand and Seal of him that makes it, before any credible Witneſſes; whereas a *Warrant of Attorney*, in a perſonal and mixed Action, and many real Actions, is of Courſe put in by the *Attornies* for the Plaintiffs or Demandants, Tenants or Defendants. But a *Warrant of Attorney* to ſuffer a common Recovery by the Tenant or Vouchee, is acknowledged before ſuch Perſons as a Commiſſion for the doing thereof directed. *West*, Par. 2. *Symb. Tit. Recoveries.* ſect. 1. *E.* See *Attorney*, and *Letter of Attorney*.

**Warranty**, *Warrantia eſt ſecuritas a venditore preſtita emptori, quo tranquille aliquid poſſideat. Ea; a ſignificatione warrantizare dicitur warrantus, ſive venditor quando ſe emptori obligat per aſta Curie, aut chartam, aut contractus instrumentum, Voſſius de vitiis Sermonis, lib. 2. cap. 20.* It is a Promise or Covenant by Deed made by the Bargainor, for himſelf and his Heirs, to warrant or ſecure the Bargainee and his Heirs againſt all Men for the Enjoying any Thing agreed on between them. And he that makes this *Warranty* is called *warrantus*, by *Bracton*, lib. 2. cap. 19. and 37. and this *Warranty* paſſeth from the Seller to the Buyer, from the Feoffor to the Feoffee, from him that releaſeth, to him that is releaſed from an Action real, and ſuch like: And the Form of it is in this Manner, *Et ego preſatus J. & heredes mei preſdictas decem acras terra cum pertinentiis ſuis, preſato H. heredibus & assignatis ſuis contra omnes gentes warrantizabimus in perpetuum per preſentes.* *West Symb.* part 1. lib. 3. *Tit. Feoffments*, ſect. 287, 288. See *Glanville*, lib. 3. *per totum.* *Bracton*, lib. 5. *tract. 4. Britton*, cap. 105. and *Co.* 4. *Rep.* fol. 81. *Noke's Caſe.* In ancient Deeds we find *Warranties* run thus: *Contra omnes homines & ſeminas & contra omnes homines & Judæos warrantizabimus, &c.* *Warranty* is either real or perſonal; Real, when it is annexed to Lands or Tenements granted for Life, &c. And this is either in Deed, as by the Word *warrantizo* expreſſly; or in Law, as by the Word *Dedi*, or ſome other Amplification: Perſonal, which either reſpects the Property of the Thing ſold, or the Quality of it. *Real Warranty*, in reſpect of the Eſtate, is either *Lineal*, *Collateral*, or commencing by *Diſſeiſin*, for which ſee *Littleton* in the laſt Chapter of his Tenures, and *Co.* lib. 3. *Fermor's Caſe*, fol. 78. So then under the Word *Heredes* are comprehended all ſuch as the firſt *Warranter's* Lands afterwards come unto either by Deſcent, or otherwiſe. *Bracton*, lib. 5. *tract. 4. c. 1. num. 2. ſaith, Imprimis videndum eſt quid ſit warrantizatio; Et ſciendum quod warrantizare nihil aliud eſt quam defendere & acquietare tenentem, qui warrantum vocabit in ſeiſina ſua.* With whom agrees *Fleta*, lib. 5. cap. 15. ſect. 1. & lib. 6. cap. 23. *per totum.* By what Words in a Feoffment a Feoffor ſhall be bound to *Warranty*, ſee the *Statute of Bigamy.* 4 E. 1. cap. 6. and ſee *Co.* on *Lit.* f. 365. and 383.

**Warren**, *Warrenna* alias *Varenna*, Cometh of the French *Garenne*, i. *Vivarium*, vel locus in quo vel aves, vel pices, vel fera continentur, quæ ad vi-

atum



*Hum duntaxat pertinent. Calepine out of Aulus Gellius, lib. 2. Noct. Attic. c. 20.* But a *Warren*, as we use it, is a Franchise or Place privileged, either by Prescription or Grant from the King, to keep Beasts and Fowl of *Warren*, which are Hares and Conies, Partridges and Pheasants: And if any Person be found an Offender in any such *Free-warren*, he is punishable for the same at the Common Law, and by the Statute 21 E. 3. called the Statute *De malefactoribus in parvis & haccis, &c.* *Videtur tamen Fusticiarius hic & Concilio Dom. Regis, quod Capreoli sunt bestia de Warennia & non de Foresta, eo quod fugant alias bestias de Warennia.* *Hill. Anno 13 E. 3. Ebor. Rot. 106.* A *Free-warren* may lie open, for there is no Necessity of inclosing the same as there is of a Park; which ought to be seized into the King's Hands, if it be not inclosed.

*Warreke. Edmundus Busche tenet terras in Morton Com. Essex, per servitium inveniendi unum stimulum ferreum pro uno Warrocks super quoddam Cloth-fac quandounque D. Rex equitaverit in exercitu versus partes Wallie tempore guerra.* 22 R. 2. Blount of Tenures, p. 32.

*Warrth*, It seems to be the same with *Ward* and *Ward-penny*; a customary Payment for some Castle-Guard, or for keeping Watch and Ward. — *Tota villa de Lightborn in Com. Warwic. est geldabilis & dat singulum & Warrth, & venit ad duos magnos turnos Vicecomitis.* — 7 E. 1. Blount's Tenures, pag. 60. This customary Acknowledgment by the very Name of *Warrth*, is still paid within the Manor of *Sutton-Colfield, Com. Warwic.* with some particular Ceremonies that are indeed singular and surprising. — *Adam de Okes* was found by Inquisition, 18 E. 1. to die seised of certain Tenements in *Dinley, Com. Warwic.* held of the King, by the Payment of a Half-penny per annum, called *Warrth*. *Rot. Fin. 18 Ed. 2. n. 26.*

*Warrscot* Was the Contribution wont to be made towards Armour in the Saxons Times. *Sint omnes, tam primarii quam mediocres & minuti, immunes, liberi & quiesci ab omnibus Provincialibus, summonitionibus & popularibus placitis, quae Hundredlaghe Angli dicunt, & ab omnibus armorum oneribus quod Warrscot Angli dicunt, & forinscis querelis.* *Leg. Forest. Canuti Reg. num. 9.*

*Wartwick.* See *Pr. fidium.*

*Warwite.* See *Wardwite.*

*Wassum*, A Shallow, or fordable Part of a River or Arm of the Sea, as the *Washes* in *Lincolnshire, &c.* — *Et sic transierunt per unum Wassum maris ad longitudinem unius leuca in vigilia S. Bartholomaei, & ex altera parte Wassi inimici fuerunt parati ad praelium.* *Hen. Knighton sub anno 1346.*

*Wassalle* Was a festival Song heretofore sung from Door to Door about the Time of the *Epiphany*. From the Sax. *Waes Heal, i. e. Sis saluus.*

*Waste, Vastum*, Hath divers Significations: First, It is a Spoil made either in Houses, Woods, Lands, &c. by the Tenant for Life or Years, to the Prejudice of the Heir, or of him in the Reversion or Remainder. *Kitchin, fol. 168.* Whereupon the Writ of *Waste* is brought, for the Recovery of the Thing wasted, and treble Damages. See *Vasto*. *Waste* of the Forest is most properly where a Man cuts down his own Woods within the Forest, without License of the King, or Lord Chief Justice in Eyre. See *Manwood, part. 2. c. 8.*

num. 4 & 5. Secondly, *Waste* is taken for those Lands which are not in any Man's Occupation, but lie Common; which seem to be so called, because the Lord cannot make such Profit of them as of his other Lands, by reason of that Use which others have of it in passing to and fro; upon this none may build, cut down Trees, dig, &c. without the Lord's License. Thirdly, *Year, Day and Waste, (Annus, dies & vastum,)* is a Punishment or Forfeiture belonging to Petit Treason or Felony, whereof you may read, *Stannsf. Pl. Cor. lib. 3. cap. 30.* And see *Year, Day and Waste.*

*Waste Ground, Vastus fundus*, Is so called, because it lies as *Waste*, with little or no Profit to the Lord of the Manor, and to distinguish it from the Demesnes in the Lord's Hands, 2 par. *Inst. fol. 656.* See *Waste.*

*Wastel Bowl*, A large Cup or Bowl of Silver or of Wood, wherein the Saxons at their publick Entertainments drank a Health to one another, in the Phrase of *Was-beal, i. e. Health be to You.* This is the Meaning of the Word *Vastellum* in the Lives of the Abbats of *St. Albans*, by *Mat. Par. pag. 141.* *Abbas solus prandeat supremus in Refectorio habens Vastellum*, of which the Learned Dr. *Wat* was ignorant. — *Si non sit Umbraculum aut Baldokinum (a Canopy) nescio quid significet; neque tamen conjectare possum quare Umbraculum Vastellum diceretur.* *Quare*, But by the Word *Vastellum* no Doubt is meant the *Wastel* or *Was-beal* Bowl, which was set at the upper End of the Table for the Use of the Abbat, who was served in this Plate, and began the Health or *Poculum Charitatis* to Strangers, or to his Fraternity. From hence Cakes and fine white Bread, which were commonly sopped in the *Wastel-Bowl*, were called *Wastel-Bread*. It is an unlucky Conjecture of Mr. *Sommer* — *Forse a Latino Pastillum, alias Pastellus, P. in V. & W. ut saepe transeunte.*

*Wastel-Bread, (Anno 51 Hen. 3. Statute of Bread.) Vox autem unde veniat, non liquet, says the Gloss. in x Scriptores, forse a Gal. Gasteau, i. e. Libum, placenta habebit quotidie de liberatione xxx Sol. & xii Wastellos dominicos & xii Siminellos dominicos.* *R. Hoved. fol. 420. a.* This was the finest Sort of Bread. See *Cocket.*

*Wastinum, Waste Ground or Desert.* — *Unde queritur, quod disseisivit eos de quingentis acris terra, bosci, mora, wastini, & prati.* *Chartular. Abbat. Glaston. MS. f. 89. a.*

*Wastors* Were a Kind of Thieves so called. *Anno 5 E. 3. cap. 14.* *There have been divers Manslaughters, Felonies and Robberies, done by People called Robbersmen, Wastors, and Draw-latches.* 4 H. 4. cap. 27.

*Water-Bailiffs* Seem to be Officers in Port-Towns, for the searching of Ships. 28 H. 6. c. 5. Also an Officer belonging to the City of London, who hath the Supervising and Search of Fish brought thither, and the gathering of the Toll rising from the *Thames*. He also attends on the Lord Mayor for the Time being, and hath the principal Care of marshalling the Guests at the Table; and doth arrest Men for Debt, or other personal or criminal Matters, upon the River of *Thames*, by Warrant of his Superiors, and the like.

*Water-gage, Watergagium & Aquagagium*, A Sea-wall or Bank to restrain the Current or Overflow of the Water. Also an Instrument to Gage or Measure the Quantity or Deepness of any Waters. M m m 2 *Ula*

**Water-gang, Watergangium, A Trench or Course to carry a Stream of Water,** such as are usually made in *Sea-walls* to loofe and drain *Water* out of the *Marshes*. Some confound this with *Watergate*, but they seem to differ in Signification. *Cart. H. 3. De ordinatione Marisci de Romey, &c. Ad reparandum wallas & Watergangias ejusdem Marisci contra Maris periculum. Omnibus Ballivis de Befinstone, Robertus de Curci, Salutem. Mando vobis atque precipio, quatenus iusticiis meos homines de Margate, ut faciant wallas & watergangas, & clausuras wallarum sicut debent facere, & si facere noluerint, tum iusticiis illos ut faciant, &c. Mon. Ang. 2 par. fol. 920.*

**Water-gavel** Was a Rent paid for fishing in, or other Benefit received from some River or Water. *Henricus Rex salutem; Sciatis nos dedisse, &c. dilecto & fideli nostro Huberto de Burgo comiti Cantie & Margerie uxori sue redditum 32s. & 4d. quem homines eorundem Huberti & Margerie de Manerio suo de Elmour nobis reddere solebant singulis annis, per manum Ballavi nostri de Menstreworth nomine Water-gavel Habend. Dat. 15 H. 3.*

**Water-Measure,** It is mentioned in the Stat. 22 Car. 2. and is greater than *Winchester-Measure* by about Three Gallons in the Bushel, and is now used for selling Coals in the Pool, &c.

**Water-Ordeal.** Our ignorant and superstitious Ancestors had a customary Way of Purgation, which they called *Judicium Dei*, believing it to be the Interposition of Divine Providence, or as it were the immediate Judgment and Decision of God himself. This was commonly by *Fire-Ordeal*, or by *Water-Ordeal*, and this latter was either by hot Water, or by cold Water. The Purgation by hot Water was for the Party accused to thrust his Hands or Feet into scalding Water, on Presumption that his Innocence would receive no harm. That by cold Water, was for the Defendant to be cast into a Pond or River; (as they now pretend to try Witches) whether he would sink or swim. The *Fire-Ordeal* was for Free-men, and Persons of better Condition: The *Water-Ordeal* for Churls, Bond-men, and other Rusticks, as *Glanville* reports—*In tali casu tenetur se purgare is qui accusatur per Dei judicium, scilicet, per Ferrum calidum vel per aquam pro diversitate conditionis Hominum, scilicet, per ferrum calidum si sit Homo liber, per aquam si fuerit rusticus.*

**Water-scape, i. e. An Aqueduct.** From the Sax. *Waeter, Aqua. and Schap, ductus.*

**Watling-street** Is one of those Four Ways which the Romans are said to have made here, and called them *Consulares, Pratorias, Militares & Publicas*. This Street is otherwise called *Werlam-street*. *Et strata quam filii Wethe Regis ab orientali mari usque ad occidentale per Angliam straverunt. R. Hov. f. 248. a. n. 10.* This Street leads from Dover to London, Saint Albans, Dunstable, Towercester, Atherston, and the Severn, near the Wrekin in Shropshire, extending it self to Anglesey in Wales. Anno 39 El. c. 2. The Second is called *Ikenild-street*, so called ab *I-cenis*, stretching from Southampton over the River Isis, at New-bridge; thence by Camlden and Litchfield; then it passeth the River Derwent by Derby, so to Boleover-Castle, and ends at Tinnmouth. The Third was called *The Fosse*, because in some Places it was never perfected, but lies as a large Ditch, leading from Cornwall through Devonshire, by Tetbury, near Stow in the Wolds, and besides

Coventry to Leicester, Newark, and so to Lincoln. The Fourth was called *Ermine* or *Erminage-street*, beginning at St. David's in West-Wales, and going to Southampton. See the Laws of Edward the Confessor, whereby these Four publick Ways had the Privilege of *Pax Regis*. See *Hollinshead's Chron. vol. 1. cap. 19.* and *Henry of Huntington, lib. 1. in principio.*

And in *Leg. W. 1. c. 30.* there are Three Ways mentioned; but *Ikenild-street* is omitted, which was called *Iknild* from the *Iceni*, and *Streath*, which signifies a Way.

*Faire weyes many on ther ben in Englonde;  
But four most of all ther ben to understand:  
That thurgh old Kyng were made ere this,  
As man schal in this Book after her tell I wis,  
From the south into the north take it Ermin-street.  
From the east into the west goeth Ikenild-street,  
From southeft the northeft, that is Sumdelgrete,  
From Dover into Cheshire goth Watlingstreet,  
The Sixth of thise is most of alle that tillot from Toteneys,*

*From the end of Cornwalle anon to Cateneys,  
From the south west into northeft into Englonde end,*

*Fosse men callith thise voix that my monoy thoto von doth voend,*

*These four waies on this Lond Kung Belix the wise*

*Made and ordeined hem volth gret Fraunchise,  
For whosoe did therein ony theft other any unouz,  
He made juggement thereofe, and gret vengeance ynouz.*

This is an old Description of those Ways, made by Robert of Gloucester, *Dugdale Antiq. Warwick, pag. 6.*

**Wabrfon,** Such Goods as after Shipwreck do appear swimming on the Waves. — *In tantum quod omnes punitiones, correctiones, deodanda, Wabrfon, Flotteson, Lagafon, & Wrecks & Regalia, videl. Magnas pisces captas, &c. Carta Arthuri Plantaginet magni Admiralli Anglia Majori & Civibus Rossen. Dat. 4 Decemb. 15 H. 8.*

**Wardhot or Wardscot, Ceragium,** This was anciently paid thrice a Year towards the Charge of Candles in Churches. *Tributum quod in Ecclesiis pendebatur ad subministracionem cere & Luminarium. Hac autem solutione multi se contendunt immunes esse a minoribus quibusdam decimis persolvendis, ejusdemque generis sunt quae alias Cock, & Wax, alias Mainport appellantur. Spelman.*

**Wap.** See *Chimin.*

**Wecade,** (for so anciently they wrote) Wood. See *rond.*

**Wapt-fee, Ward-penny, or Fee** paid for waiting, i. e. for keeping Watch and Ward. — *Thomas Spelman tenuit manerium de Narborough in com. Norf. per servitium militare & per redditum 14 sol. pro wayt-fee & Castle-guard. — Blount of Tenures, p. 7.*

**Walsld or Welsd,** A Saxon Word signifying Sylva, is the woody Part of a Country, as the *Weald of Kent*. *Camb. Brit. pag. 247. Anno 26 H. 8. c. 7.* In the Collection of Statutes, 14 Car. 2. c. 6. it is misprinted *Wildes of Sussex, Surrey or Kent, for Wealds.*

**Weald, Walb, Walt,** In the Beginning of Names of Places signifies a Situation near Woods or Groves; from the Sax. *Weald, i. e. a Wood.*

**Weal-**

**Wealreaf**, i. e. Robbing a dead Man in his Grave: From the Sax. *Weal*, *Stragos*, and *Roaf*, *Spoliatio*, *quasi Strati vel Extincti Spoliatio*. 'Tis mentioned in *Leg. Ethelred. at Wantage*, cap. 21. *Wealreaf*, i. e. *Mortuum referre, est opus nitibing*, (i. e. of one made Free, or Manumitted,) *si quis hoc negare velit, faciat cum 48 Thaynis plane nobilibus*, &c.

**Wear** or **Were Wera** & **Wara**, A Stank, or great Dam in a River, well known, accommodated for the taking of Fish, or to convey the Stream to a Mill. *Unam waram & duas Cotlandas cum Dominio & Prato*, Mon. Angl. 2 par. f. 128. See *Kiddell*. *Gurgites* is sometimes used in our Records for *Wears*; as, *Usque ad Gurgites, Anglice vocat. Snowtwears*. Item *Petrus tenet unum Gurtigem infra Wayam*, a *Wear* on the River *Wey*. *Liber niger Heref.* f. 66. See *Kiddell*.

**Wedbedrip**, The customary Service which inferior Tenants paid to their Lord in cutting down their Corn, or doing other Harvest Duties. From Sax. *Wed*, a Covenant or Agreement, (whence to *wedd*, *wedding*, a *wedded Husband*, a *wedded Bondslave*, &c.) and *Biddan* to pray or desire, and *Ripan* to reap or mow. As if a Covenant of the Tenant to reap for the Lord at the Time of his bidding or commanding.—*Anno Dom. 1325. Robertus Filius Nicholai Germayn tenet unum messuagium & dimidiam virgatam in bondagio ad voluntatem Domini, & debet unam aruram in Yeme, & unam sarculaturam, & debet Wedbedrip pro voluntate Domini*. Paroch. Antiquit. pag. 401. *Alicia qua fuit uxor Ricardi le Grey — faciet unam sarculaturam & unam Wedbedripani & levationem fœni*. Ib. p. 402.

**Weif**. See *Waife*.

**Weigh**, or **Wey**, (*Waga*) Is a Weight of Cheefe or Wool, containing Two Hundred Fifty-six Pounds of *Avoir-du-pois*. A *Weigh* of Barley or Malt is Six Quarters, or Forty-eight Bushels. A *Weigh* of Cheefe in *Essex* is Three Hundred Pounds. *Et decimam Casei sui de Herting, præter unam Peisam que pertinet ad Ecclesiam de A.* Mon. Angl. 3 Par. f. 80. b. Where *Peisa* seems to be used for a *Weigh*. See *Waga*. *Coke's 12 Rep. fol. 17.* mentions Eighty *Weighs* of Bay-Salt.

**Weights**, *Pondera*, There are Two Sorts of them in use with us; the one called *Troy-weight*, having Twelve Ounces in the Pound, by which Pearl, precious Stones, Electuaries, and medicinal Things, Gold, Silver and Brede be weighed. The other is termed *Averdupois*, and contains Sixteen Ounces in the Pound, by which all other Things be weighed that pass by *Weight*. *Geo. Agricola* in his learned Treatise *De Ponderibus & mensuris*, p. 339. terms the Pound of Twelve Ounces *Libram medicam*, and the other of Sixteen Ounces *Libram civilem*, saying thus of them both, *Medica & civilis libra numero non gravitate unciarum differunt*. The Second seems so to be termed, by reason of the more full *Weight*. But by these Words *Aver du pois*, are sometimes signified such Merchandise as are bought and sold by this Kind of *Weights*. The first Statute of *York*, made 9 E. 3. in *Proem.* 27 E. 3. *Stat. 2. c. 10.* and 24 H. 8. c. 13. See *Skene de verbor. signif. verb. Serplathe*. All our *Weights* and *Measures* have their first Composition from the Penny-Sterling, which ought to weigh Thirty-two Wheat-Corns of a middle Sort; Twenty of which Pence make an Ounce, and Twelve such Ounces a Pound; but

Fifteen Ounces make the Merchants Pound, *Fleta*, lib. 2. cap. 12. which though an Ounce less should probably be all one in Signification with *Aver-du-pois*, and the other Pound called by *Fleta* *Trone-weight* plainly appears to be the same with that we now call *Troy-weight*. See *Tronage*. From henceforth there shall be one Weight, one Measure, and one Yard, according to the Standard of the Exchequer, through all the Realm, &c. Anno 17 Car. 1. c. 19. See *Pondus Regis*.

**Weights of Tuncel**, Anno 14 E. 3. *Stat. 1. cap. 12.* See *Tuncel-weight*.

**Wemming**. *Leg. H. 1. ca. 33. Injusto quoque judicio contradici poterit Wemminge Superiori & Sapientiori*: An unjust Judgment in an inferior Court may be set aside by an Appeal to a Superior. From the Sax. *Wem*, *Menda*.

**Wend**, *Wendus*, i. *perambulatio*, From the Sax. on *Wendam*, i. e. to go. *Præcinctus terre amplior plurima juga in se continens. Rentale Regalis Manerii de Wye*, pag. 31. — *Tres sunt wendi, viz. Doon-wend, & Chiltones-wend, & Bronsford-wend, & in quolibet wendo sunt decem juga & sic in tribus wendis sunt 30. juga, quorum 26. juga & dimid. sunt in wye & infra. Quilibet wendus faciet 10. avoragia semper de tribus septimanis in tres*, &c.

**Werc** and **Werr** (Sax.) are Words found in ancient Charters: The first signifies a Cattle; the last, *æstimationem capitis*, or *Pretium*, quo occisus æstimabitur. See *Æstimatio capitis*.

**Werre**, The River. See *Vedra*.

**Werr**, alias **Werræ**, According to *Lambard* in his Explication of Saxon Words signifies *æstimatio capitis aut pretium hominis*. That is, so much as one paid in ancient Time for killing a Man, when such Crimes were punished with pecuniary Mulcts, not Death. In *Leg. Ed. Conf. cap. 11.* we read *Werre suum*, id est, *pretium sua redemptionis*, his Ransom: — *Si quis ante Comitum in placito pugnaverit, emendat secundum pretium sui ipsius, & forisfacturam quod Angli dicunt were & wite*. *Leg. Canut. MS. p. 150.* In which Words the Saxon *W.* is often mistaken for *P.* and written *Pere* and *Pite*. See *Pere* and *Pite*, see also *Gavellet*. The Words *Werre*, *Wita*, and *Manbota*, are often joined together in our ancient Charters, and old Law-Books; but they are of different Signification: For *Wera* signifies the Price or Value of a Man slain, which was to be paid to the Kindred; *Wita* was a Mulct usually of 30 s. which was to be paid to the Party injured; and *Manbota* was the Recompence to be made to the Lord for the killing his Vassal or Tenant.

**Werrgelt**: thes Significat *latronem qui redimii potest*, *Fleta*, lib. 1. cap. 47. vel *Gersuma pro latrone evaso ex carcere*. Ex *MS. Abbathie Radingie*.

**Werelada**; From the Sax. *Wera*, *Pretium capitis hominis occisi*, and *Ladian* *Purgare*; which was thus, viz. Where a Man was slain, the Price at which he was valued was to be paid to his Relations. For in the Time of the Saxons the killing a Man was not punished by Death, but by a pecuniary Mulct, which was called *Wera*: But if the Party denied the Fact, then he was to purge himself by the Oaths of several Persons, according to his Degree and Quality, viz. *Si ad quatuor libras reatus sit, cum 18 ex patre, ex matre 4, si ad 14 libras natus, cum sexdecim*; and this was called *werelada*. *Leg. H. cap. 12. Homicidium vera solvatur, vel Werelada vegetur*.

**Weretoff.** *Et sint quieti de communi misericordia Comitatus, de Wardpenny & Awerpenny, de Hundredpenny, & Thirdingpenny, de Weretoff & de Forfeng.* Charta H. 1. From the Sax. *Were-to-von*, i. e. To take a Ransom or Price for killing a Man. See *Were*.

**Wergild, Wergeld, (Wergildus.)** Pretium seu valor hominis occisi, homicidii pretium; which was paid partly to the King for the Loss of his Subject, partly to the Lord whose Vassal he was, and partly to the next of Kin. *Quedam (crimina) emendari non possunt; quæ sunt Husbreech, Bernet, & Openchef, & Eberemord, & Latordfith, & infraßio pacis Ecclesia, vel per manus Regis per homicidium.* LL. H. 1. ca. 13. In which Chapter the Crimes are enumerated which might be redeemed per *Weram*. De unoquoque fure per totam Scotiam est Wergelt 30 Vacca & una juvenca, siue fuerit liber homo, siue servus. Reg. Maj. lib. 4. cap. 19. The Wergeld of an Archbishop and of an Earl, was 15000 *Thrimsa's*. Selden's Titles of Honour, fol. 604.

**Werhades, & Withades, (Sax.)** Virilis & for-minci Sexus. LL. Edm. c. 1.

**Weorðing, i. e.** A Curtilage.

**Werth, Weorþ, Wirth, In the Beginning or End of Names of Places,** signify either a Farm, Street, or Village: From the Sax. *Weorþdig*, i. e. Platea, &c.

**Werbagium.** Cum omnibus aliis consuetudinibus, legibus & libertatibus suis & Wervagio suo bi lande & bi strande. Charta Hen. 3. *Leveshamensi Cænob.* Quare. i. c. *Wharfage*.

**West-Saxonlage** Was the Law of the West-Saxons. See *Merchenlage*.

**Westminster, Westminsterium,** Was the ancient Seat of our Kings, and is now the well-known Place, where the High Court of Parliament, and Courts of Judicature sit. It had great Privileges granted by Pope Nicolas; among others, *ut amplius in perpetuum Regia constitutionis locus sit atque Repositorium Regalium Insignium.* Ep. ejus ad div. Edovard. Tom. 3. B. f. 1228. See *City*, and 4 *Inst.* f. 255.

**Wetecroft, Habebit mensuram unam, sc. wetecroft cum orto ubi possit manere, &c.** Mon. Angl. 2. par. f. 40.

**Weythe.** *Et omnia animalia advenientia fugitiva.* Gallice Weythe, in toto *Hundredo de Halton.* Mon. Angl. 2. Par. f. 187. b. See *Waif*.

**Wharfe, Wharfa,** Is a broad plain Place near a Creek or Hith of the Water, to lay Wares on, that are brought to or from the Water. *New Book of Entries*, fol. 3. Anno 12 Car. 2. cap. 4.

**Wharfage, Wharfagium,** Is Money paid for landing Wares at a Wharf, or for shipping or taking Goods into a Boat or Barge from thence. It is mentioned 17 H. 8. c. 26. and 22 Car. 2. c. 11, &c.

**Wharfinger** Is he that owns or keeps a Wharf, or hath the Oversight or Management of it. Anno 7 E. 6, 7. 12 Car. c. 4. and 22 Car. 2. c. 11.

**Wheelage, Rotagium; Tributum est quod Rotarum nomine penditur; hoc est, pro plaustris & carris transeuntibus.** Spelm.

**Wheerlottes,** The ancient English open Chariots that were used by Persons of Quality before the Inventions of Coaches. See *Stow's Survey of London*, p. 70.

**Whimard,** A Sword so called; from the Sax.

**Winnam, i. e.** To get, and *Ave*, Honour; because Honour is acquired by the Sword.

**Whita.** Edmundus Prior de Ely & ejusd. loci Con- concedunt Johanni Palsfrayman de Sutton unam placeam terre — & unam whitam jacentem in vasto nostro de Sutton — inter whitam Thoma Attebirche ex parte occidentali & whitam Johannis Pyper Nativi nostri ex parte orientali. — Ex Cartular. Eccl. Elien. MS. penes Joh. Episc. Norwic.

**Whitehart-Silver, Candidi cervi argentum,** Is a Mulst paid into the Exchequer out of certain Lands in or near the Forest of Whitehart, which hath continued from Henry the Third's Time, who imposed it upon Thomas de la Linde, for killing a most beautiful White Hart, which that King before had purposely spared in Hunting. *Cambd. Brit.* p. 150.

**White-Meats, Milk, Butter, Cheese, Eggs,** and any Composition of them, which in Times of Superstition were forbid in Lent, as well as Flesh, till King Henry 8. published a Proclamation to allow the Eating of White-meats in Lent. Anno Reg. 34. 1543.

**Whitrent** Is a Duty or Rent of Eight Pence, payable by every Tinner in the County of Devon to the Duke of Cornwall. See *Quitrent*.

**White-Spurs:** A Sort of Esquires so called. See *Esquires*.

**Whitfontide,** So called because those who were newly baptized came to the Church between Easter and Pentecost in white Garments.

**Whittawari, Whittawers.** Scil. Quia coria bovina & equina furata scienter albificant, ut sic non agnoscantur. Statuta Walliæ. 12 Edw. 1. I find it elsewhere written *Whytaroyers*, and interpreted, *Allutarii vel interpolatores albi corii.* Hist. Oxon. fol. 158.

**White-Straits,** A Kind of coarse Cloth made in Devonshire, about a Yard and Half a Quarter Broad, raw, mentioned 5 H. 8. c. 2.

**Whitley,** A Town in Northumberland. See *A-lone*.

**Wichterthila.** See *Thila*.

**Whitson-farthinga.** See *Pentecostals*, mentioned in Letters Patent of Henry the Eighth to the Dean of Worcester.

**Wic,** A Place on the Sea-shoar, or on the Bank of a River. 1 *Inst.* f. 4. b. But it more properly signifies, in the Saxon, a Street, a Village, or Dwelling-place; also a Castle. See *Wyke*. It is often in the Saxon Language made a Termination to the Name of a Town which had a compleat Name without it; as *Lunden-Wic*, that is, *London-Town*, which signifies no more than *London*; as in the Saxon *Annals*, 'tis mentioned that King *Æthelbert* made *Mellitus* Bishop of *Lunden-Wi*: So *Ip-swich* is written in some old Charters *Villa de Gippo*, and sometimes *Villa de Gippo Wico*; which is no Variance, but the same Thing: For *Gipps* is the compleat Name, and *Gipps-Wic* is *Gipps-Town*.

**Wica,** A Country-House or Farm, of which many a one is now called the *Wike*, and the *Wick*.

— Nos W. Abbas Glaston, & Conventus — concessimus Andree de wik, pro homagio & servitio suo wicam de manerio nostro de Essebi cum omnibus pertinentiis suis in eadem villa. — Chartular. Abbat. Glaston. MS. f. 29.

**Wichemere.** See *Quietantia*.

**Wichencrif, Wichcraft.** The Word occurs in the Laws of King Canute, c. 27.

Widow



**Widow** of the King, *Vidua Regis*. Was she, that after her Husband's Death, being the King's Tenant in Capite, was forced to recover her Dowry by the Writ *De Dote assignanda*, and could not marry again without the King's Consent. *Staundf. Prærog. c. 4.* See the Statute of the *Prærog. Anno 17 E. 2. Mag. Chart. cap. 7.* and *32 H. 8. cap. 46.* See *F. N. B. f. 263.*

**Widowhood**, (*Viduitas*.) The State and Condition of a Widow. *Sciant quod ego Margeria que fui uxor R. Smith de Birchore* (Com. Heref.) in Viduitate & in legitima potestate mea, remissi, relaxavi, &c. *Dat. apud Birchore die Dominica in Fest. Nativitatis Johannis Baptiste, Anno 9 H. 4.*

**Wife**, *Uxor*: After Marriage, all the Will of the Wife, in Judgment of the Law, is subject to the Will of the Husband, and it is commonly said, *A Feme Covert hath no Will, sed fulget radiis mariti.* *Co. 4. Rep. Forse and Hembling's Case.* See *Perkin's, fol. 2, 3, 4. Plowd. Comment. 344.* *Bret and Rigdon's Case. Doctor and Student, fo. 13.* and *4 H. 6. 31.*

**Wike**. See *Wyke*.

**Witlshade**. See *Wethade*.

**Witgrebe**, A Saxon Word, derived from *Wig*, or *Wic*, which signifies *Syloani*, and *Greve præpositus*, and denotes the Overseer of a Wood, according to *Spelman*: But *Wia* in Saxon more truly signifies *Via*, and so it may more properly intend an Overseer of the Highways.

**Will**, or last Will, *Testamentum, ultima voluntas*, Is of two Sorts, A Will in Writing, called also a Testament; and a Will by Word of Mouth only, called a Nuncupative Will, which being proved per Testes, may be of as good Force as that in Writing, except only for Lands, which are not devisable, but by a Testament in Writing made in the Life of the Testator. See *Touchstone of Wills, pa. 2.* See Testament.

*Ex Codice MS. nuncupato March, penes Registrar. Curiz Prærog. Domini Archiepis. Cantuar. Qu. 7.*

**I**N nomine Patris & Filii & Spiritus Sancti, Amen. The Sevententh Day of September, the yer of our Lord Jesu Christ a thousand four hundred and four, I Lowys Clyfforth (Hewasmade Knight of the Garter, by King Richard the Second,) fals and Traytor to my Lord God, and to alle the blessed company of Hevene, and unworthi to be clepyd a Cristen man, make and ordeyn my Testament, and my last Wille in this manere.

At the begynnynge, I most unworthi and Goddys traitour, recommaund my wrechid and synfule Soule booly to the grace, and to the mercy of the bleisful Trynytie; and my wrechid careyne to be beryed in the ferthest corner of the Chircheyard, in which parishemy wrechid Soule departeth fro my Body.

And I pray and charge my Survivors and my Executors as they wollen answer to fore God, as all myne boole trest in this matere is in them, that on my stinking careyne be neyther leyd clothe of Gold ne of silke, but a blake clothe, and a Taper at myne bed, and another at my fete, ne stone ne other thinge, whereby any man may witte where my stinking careyne liggeth. And to that Chirche do myne Executors all thingis which owen duly in such caas to be don, without any more cest saaf to pore men.

And also I pray my Survivors and myne Executors that any dette that any man kan are me by true title, that hit be paid. And if any man kan trevely sey that I have

do him any harm in body or in good, that ye make largely his gree abyles the goodys wole strecche.

And I wole alsoe, that none of myne Executors meddle or mynysse any thinge of my goodys withoutyn avyse and consent of my Supervisors or sum of hem.

Now first I bequethe to Sire Phyllype la Vache Knyht my Masse-Boke and my Portooi; and my Boke of Tribulacion to my Doughter his Wif.

*Et quicquid residuum fuerit omnium & singulorum bonorum & catallorum superius seu inferiorum non legatorum, do integre & lego Philippo la Vache, Johanni Cheynce & Thomæ Clanvow militibus libere sibi possidendum, &c.*

*Probatum, &c. 5 Dec. Anno 1404.*

**Winches**, A Kind of Engine to draw Barges up the Water against the Stream. *Anno 21 Jac. 1a. 32.*

**Win**, In the Beginning or End of the Names of Places, signifies that some great Battel was fought, or Victory gained there. From the Sax. *Win, i. c. Prælium.*

**Winbozne**. See *Vindogladia*.

**Winthelsea**. See *Vindalis*.

**Winchester**. See *Venta Belgarum*.

**Windass**, **Windass**, and **Windass**, corruptly *Windass*, (*Windassum*), is a Term in Hunting, (as, to drive the *Windass*), signifying the Chasing a Deer to a Stand, where one is ready with a Bow or Gun to shoot. *Et omnes illi qui tenuerunt in Bondagii tenura solebant vocari Custumarii; & quotiescunque dominus ad venandum venerit, illi Custumarii solebant fugare Windassum ad stabulum in fugatione ferarum bestiarum, secundum quantitatem tenurae suae, &c.* *MS. de Consuetud. Manerii de Sutton Colfield, Anno 3 Ed. 2.*

**Winkinga**. *Et dedi eis totas Winkingas in Boschis & Planis.* *Mon. Angl. 1 Par. fol. 592. b. Quere.*

**Winterden**. *Ut Ecclesia Croylant sit tuta ab omnibus taxationibus, quæ nos dicimus Winterden, &c.* *Charta Ethelwoldi Regis, Anno 855.*

**Windsoze**, A Herald. See *Herald*.

**Winter-hepning** Is that Season comprehended between the Eleventh Day of November, and the Three and Twentieth of April, which Time by the Act made 20 Car. 2. cap. 3. is excepted from the Liberty of commoning in the Forest of Dean.

**Wissegethes**, *Vale Royal, pag. 113.* Perhaps mistaken for *Weregethes*, which see.

**Wista** Quatuor virgatis constat. *MS. Abbatie de Bello.* It was a Measure of Land among our Saxons. And was as much as made half a Hide of Land, the Hide being accounted 120 Acres, viz. *Monasticon. 1 Tom. p. 133.* *Octo virgatic unam hidam faciunt, Wista vero quatuor virgatis constat, which in this Place must be Sixty Acres; but the Number was uncertain according to the Place; for in an old Chronicle of the Monastery of Battle, we read, In perlea est una Wista in dominio, ista enim 48 Acris constat.* *Du Fresne.*

**Witam**: *Secundum witam jurare* is to purge himself by the Oaths of so many Witnesses as the Quality of the Offence, and the Forfeiture incurred, require: *Furat secundum Witam quod nec fuerit furti confisus, nec coadjutor in eo, &c.* *Leg. Inq. c. 63.* From hence there were several compound Words,

Words, as *Blodwita*, *Fintwita*, *Legerwita*, *Ferdwita*, *Chilwita*, *Wardwita*, *Heingwita*, *Flitwita*, *Leirwita* &c. which see in their Places.

*Wita plena* Was a Forfeiture of Fifty Shillings. *Leg. H. 1. cap. 40. Si pundbreche fiat in Curia Regis plena wita fit, alibi quinque marca, i. e. 12 s. & 6 d.*

*Witfree*, (Sax.) *Immunis a Multis*.

*Wite*, A Saxon Word signifying Punishment, Pain, Penalty, Fine, or Mult: Hence *Wite* or *Witfree*, one of the Terms of Privilege granted to our *Portsmen*, denoting a Freedom or Immunity from Fines or Amerciaments, and not (as they vulgarly accept) from being liable to be begged for Fools, for lack of *Wit* or Understanding, Saxon *Dist.* See *Wyte & Gloss in 10 Script.*

*Witenamot* and *Witena-gemot* (Saxon) *Conventus sapientum*. It was a great Convention among the Saxons, answerable to our Parliament.

*Wites*, *Witen*, The Title among our Saxon Ancestors for their Chief Lords or Thanes, their wife and their Noble Men. And the *Witena Gemotes* were the Councils or Assemblies of the great Men to advise and assist the King.

*Witereden*, alias *Witereden*, and *Wintreden*, Was a Kind of Taxation among the *West-Saxons*, imposed by the publick Council of the Kingdom: For *Wite* and *Witan* signify *Majores Regni* and *Redan*, *Concilium*. See *Charta Ethelwulphi Regis Catholica apud Malms. de Gest. R. lib. 1. pag. 41. Mansio* (sc. *quævis Ecclesiæ assignata*) *fit tata & libera ab omnibus secularibus servitiis, necnon regalibus tributis majoribus & minoribus sive taxationibus, quæ nos dicimus Witereden.*

*Withercila*, For *Withertykla*, i. e. A Recriminating, or *adversa accusatio*: In *Leg. H. 1. cap. 23. Nemo de causone memoris inoperti jure cogitur respondere per Withercila, nisi Domino suo, vel captus in eo, &c.*

*Withernam*, *Vetitum Namium*, May be compounded of the Saxon *Wyther*, *altera*, & *Nam*, *captio*, and is a forbidden taking, as the taking or driving a Distress to a Hold, or out of the County, so that the Sheriff cannot upon the Replevin make Deliverance thereof to the Party distrained. In which Case the Writ of *Withernam*, or *de Vetito Namio*, is directed to the Sheriff, for the Taking as many of his Beasts that did thus unlawfully distrain, or as much Goods of his into his keeping, till he hath made Deliverance of the first Distress: Also if the Beasts be in a Fortlet or Castle, the Sheriff may take with him the *Posse Comitatus*, and beat down the Castle, as appears by the *Statute of Westm. 1. cap. 20.* and *Britton, cap. 27. Withernam* according to *Bracton, lib. 3. tract. 2. cap. 37.* and in *Westm. 2. cap. 2.* seems to signify an unlawful Distress made by him that has no Right to distrain. *Anno 13 E. 1. cap. 2.* See the *New Book of Entries, hoc verb.* and see *Fitz. Nat. Brev. fol. 73. Reg. Orig. fol. 82, 83. Reg. Judic. fol. 29.* and *Smith de Republ. Anglor. cap. 10.* This *Withernam*, (saith he) is in Dutch, and likewise in Saxon *Withernempt*, that is, *alternum accipere*, and signifies all one with *Reprisalia*, *Reprisals*. See *Skene de verbor. signif. verb. A-veria.*

*Wyttersake*, *Witthersake*, An Apostate, a perfidious Renegado. *Leg. Canuti Reg. cap. 27.*

*Witnesman*, ——— *Inde venient ad supradictos dominos predictarum villarum & petent ab eis Witnesman, & ipsi Domini facient Forestarios Witnesman,*

*sic & omnes Forestarii mei jurabant invicem, qui facti fuerint Forestarii, quod neminem nocebant occasione illius testimonii, &c.* *Carta Joh. de Vipont in castello de Appelby, Dat. 6. Joh. Reg.*

*Woad*, *Glastum*, Is an Herb like Plantain, growing in many Places in England; formerly brought from *Tholouse* in France, and from Spain, much used, and very necessary for the dying of a blue Colour. *Anno 7 H. 8. cap. 2.* We call it *Woad*, from the Italian *Güedo*.

*Woderede* ——— *De fossis, forgiis & Woderede respondent.* ——— *Lib. niger Heref. fol. 82.*

*Wold*, (Sax. Lat. *Wald*) A Plain, a Down, an open Champion Ground, hilly and void of Wood; as *Stow* in the *Wolds*, and *Cotswold* in *Gloucestershire*. This is sometimes misunderstandingly confounded with *Weald*.

*Wonderchone*. That certain Engines, called *Wonderchones*, used in Havens and Creeks for the Destruction of Fish, may be forbidden. *Petition of the Commons in Rot. Parl. 51 Edw. 3.*

*Wong*, A Saxon Word, written otherwise *Wange*, and signifying a Field; *Tres acras terra jacentes in lez wongs, i. in campis opior seminalibus, magis quam pascuis*, saith *Spelman*. So in an ancient Charter of *Garradon Abbey* in *Leicestershire*, *Dat. 14 E. 3.* There is Mention of the *Wicketwong*, which is a large Piece of inclosed Ground lying before the Abby-Gate. See *Wang*.

*Wood-corn*, Some Quantity of Oates or other Grain, paid by customary Tenants to the Lord, for Liberty to pick up dead or broken Wood. ——— *In villa de Thorp he sunt consuetudines — qualibet integra virgata terra — Dat ad Natale unum panem, & unam summam de avena, scil. Woodecorn & operatur 3 diebus.* ——— *Swafham, five Cartular. Burgi S. Petri, MS. fol. 142.* ——— *Ivesye est una bida terre & dimidia — qualibet virgata — Dat ad Natale ii gallinas & panem & vi escheppas avena ad Woodecorn pro mortuo bosco.* *Ibid. fol. 143.*

*Woodcote*. See *Noviomagus*.

*Wood-geld*, *Woodgeldum*, Seems to be the gathering or cutting of Wood within the Forest, or Money paid for the same to the Foresters; and the Immunity from this by the King's Grant is by *Crompton* called *Woodgeld*, *fol. 157. Co. on Litt. fol. 233.* says, it signifies to be free from Payment of Money, for taking Wood in any Forest.

*Woodhey*, ——— *De quolibet bosci summagio super Iste pontem (i. e. Exbridge) deportato unus truncus solvitur ad pontis reparationem, quæ consuetudo vocatur Woodhey.* ——— *Antiquities of Exeter, pag. 45.*

*Woodmen* Are those in the Forest that have Charge especially to look to the King's Wood. *Crompt. Fur. fol. 146.*

*Woodlode*, ——— *Rogerus Prior & Capitulum Ecclesiæ Christi Cantuar. quietos clamant Magistrum & Fratres Hospital. S. Maria de Ospreng & eorum Successores de consuetudinibus subscriptis, videlicet, de arura, Hætwite, Ripsilver, Wodelode, Heylode, Aversilver, &c. quæ consuetudines fieri solent in curia de Adesham. Dat. Mens. Febr. 1242.* ——— *Registr. Eccles. Christi Cant. MS.*

*Woodmote* Is the old Name of that Court of the Forest, which is now, since the Statute of *Charta de Foresta*, called the Court of Attachments, and by that Statute is held every Forty Days, but was wont to be held at the Will of the Chief Officers of the Forest, without any certain Time. See *Manwood's Forest Law, cap. 22. fol. 207.*

*Woodplea*

**Woodplea-Court** Is a Court held Twice in the Year in the Forest of Clun in Com. Salop, for determining all Matters of Wood and Agistment there, and perhaps was antiently the same with *Woodmote-Court*.

**Woodward**, *Woodwardus*, Is an Officer of the Forest, whose Function you may understand by his Oath set down in *Crompt. Fur. fol. 201*.

**YOU** shall truly execute the Office of a Woodward of B. Woods within the Forest of W. so long as you shall be Woodward there; you shall not conceal any Offence either in Vert or Venison, that shall be committed or done within your Charge, but you shall truly present the same, without any Favour, Affection or Reward. And if you see or know any Malesfactors, or find any Deer killed or hurt, you shall forthwith do the Verdorer to understand thereof, and you shall present the same at the next Court of the Forest, be it Swainmote, or Court of Attachments. So help you God.

*Woodwards* may not walk with Bow and Shafts, but with Forest Bills. *Manwood, part 1. pag. 189. Arcum & calamos gestare in Foresta non licet, sed (ut rescripti utar verbo) Hachetrum tantummodo. Sic Term. Hill. Anno 13 E. 3. Ebor. Rot. 106.*

**Wool-drivers**, Anno 2 & 3 P. & M. cap. 13. Are such as buy Wool abroad in the Country of the Sheep-Masters, and carry it on Horseback to the Clothiers, or to Market-Towns to sell again.

**Woolferheved**, *Caput Lupinum*, Is the Condition of such as were out-lawed in the Saxons Time, for not submitting themselves to Justice: For if they could be taken alive, they should have been brought to the King, and if, upon fear of Apprehension, they defended themselves, they might be killed, and their Heads brought to the King; for they carried a *Wolf's Head*, that is to say, their Head was no more to be accounted of than a *Wolf's Head*, being a Beast so hurtful to Man. So the Laws of King Edward, by *Lambard, fol. 127. num. 7. and Bract. lib. 3. tract. 2. cap. 11.* This is mis-written *Wulvesheved*, by *Roger Hoveden, part. poster. suor. Annal. fol. 343.*

**Woolfethered**. See *Wulvesheved*.

**Woolstaple**, Anno 51 H. 3. stat. 5. That City or Town where Wool was sold. See *Staple*.

**Woolwinders**, Are such as wind up every Fleece of Wool, that is to be packed and sold by Weight, into a Kind of Bundle, after it is cleansed in such Manner as it ought to be by Statute, and to avoid such Deceit as the Owners were wont to use by thrusting in Locks of refuse Wool, and other Dross, to gain Weight. They are sworn to perform that Office truly between the Owner and the Merchant. See the Stat. 8 Hen. 6. cap. 22. 23 Hen. 8. cap. 17. and 18 Eliz. 25

**Worcester**, The Chief City of the County of that Name: It is called *Brunonium* in *Antonine's Itinerary*. *Eranogenium* by *Ptolomy*, *Caer-Wrangan* by the Britons, and *Wire-caester*, by the Saxons. Mr. Camden tells us, from *Wire*, *nemorosus saltu adjuncto*; but this must be a Mistake, for that Wood is almost Twelve Miles distant from this City; the true Original is *Wicwareceaster*, i. e. *Civitas Wiciorum*, who were a People so called, living in those Parts; and it was first called, *Wicgornia*, by one *Joseph* of *Excester*, in some Verses which he wrote on *Baldwin* Archbishop of *Canterbury*.

**Worderinde**, — *Item pro cibo Prioris quarendos & pro servitio, quod dicitur Worderinde & pro pomis frangendis 12 den. &c. Somner of Gavelkind, pag. 120.*

**Wormseed**, *Semen Sanctonicum*, Is a medicinal Seed, produced by that Plant which we call *Holywormwood*, whereof you may read in *Gerard's Herbal, lib. 2. cap. 435.* This is a Drug to be garbled, Anno 1 Jac. cap. 19.

**Wormtak**. — *Item est ibidem (scil. apud Orleton) de Wormetak vi Sol. viii den. solvend. annuatim ad Festum S. Martini. Inquis. apud Heref. 22 Rich. 2.*

**Worth**, i. e. A Curtilage or Country-Farm. *Mat. Westm. 870. In Villa Regia quæ lingua Anglorum Beodfrichswort, Latine vero Beodrici curtis sive habitatio nominatur.*

**Worthinus**, A Worthine of Land, a certain Quantity or Dimension of Ground so called in the Manor of *Kinsland Com. Hereford*. It is from hence possibly, that in some Manors certain Tenants are called *Worthies*. 18 Edw. 3. inter consuetud. *Manerii de Haddenham Com. Buck.* from the Sax. *Weorth*, a Country House or Farm; whence the Termination of *Worth* in so many of our Country Villages. — *In villa Regia quæ lingua Anglorum vocatur Beodnibeswort, Latine vero Beodrici curtis sive habitatio nominatur. Mat. Westm. sub anno 870.*

**Wornglands** Seem to be misgrown Trees, that will never prove Timber. *Kitchin, fol. 169. b. quasi Wornglands, that wrong the Ground they grow in.*

**Wreck**, *Wreccum maris*, Is, where a Ship is perished on the Sea, and no Man escapes alive out of it: The *Civilians* call it *Naufragium*. This *Wreck* being made, the Goods that were in the Ship being brought to Land by the Waves, belong to the King by his Prerogative, or such other Persons to whom the King hath granted *Wreck*. But if a Man or a Dog, or a Cat escape alive, so that the Party to whom the Goods belong, come within a Year and a Day, and prove the Goods to be his, he shall have them again by the Provision of the Statute of *Westm. 1. cap. 4. and 17 E. 2. cap. 11. Co. vol. 6. fol. 106. Bracton, lib. 2. cap. 5. num. 7.* This in the *Grand Customary of Normandy, cap. 17.* is called *Varech*, and latined *veriscum*, and in some antient Charters it is written *Seupwerpe, quasi Sea up-werpe*, that is, *ejectus maris*, from *Up-werpen, ejicere*. By which, and other Antiquities, it appears, that *Wreck* did not only comprehend Goods that came from a perishing Ship, but whatever else the Sea did cast up upon the Land, were it precious Stones, Fishes, or the like, as by the Statute made 17 E. 2. cap. 11. called *Statutum Prærogative Regis*, appears in these Words, *Item Rex habebit wreccum maris, per totum Regn. Balenas, & Sturiones captas in mari vel alibi infra regnum, exceptis quibusdam locis privilegiatis per Regem.* In the Statute of 27 H. 8. cap. 26. it is called *Wreck de mer*. See 2 *Inst. fol. 167.*

**Wreckfry**, *Wreckfree*, or exempt from the Forfeiture of shipwrecked Goods and Vessels to the King. King Edw. 1. by Charter granted this Immunity to the Barons of the Cinque Ports — *Quod sint Wreckfry & Wyttfry & Lestagefry & Lonetopfry & quod habeant den & Strond apud Gernemuth.* — Placit. temp. Ed. 1. & Ed. 2. MS. 4to. penes Dom. Fountains ex *Æde Christi Oxon.*

**Wrefcedliug.**— *Berges reddit in gabulo assiso*  
— *Sunt ibi tres Wrefcedly, quorum quilibet debet*  
*flagellare unam summam frumenti ad semen in hieme.*  
Cartular. Abbat. Glaston. MS. fol. 39. b. — *Sunt*  
*ibi duo Wrefcedli qui debent idem servitium facere quod*  
*Cotarii. ib.*

**Writ, Breve,** Is the King's Precept, whereby  
any Thing is commanded to be done touching a  
Suit or Action; as the Defendant or Tenant to be  
summoned, a Distress to be taken, a Disseisin to  
be redressed, &c. And these Writs are diversly  
divided in divers Respects; some in respect of  
their Order, or Manner of granting, are termed  
*Original*, and some *Judicial*. *Original* Writs are  
those that are sent out for the Summoning of  
the Defendant in a personal, or the Tenant in a  
real Action, before the Suit begins, or rather to  
begin the Suit: Those are *Judicial*, which are  
sent out by Order of the Court where the Cause  
depends, upon Occasion after the Suit begun.  
*Old Nat. Brev. fol. 51, & 147.* And the *Judicial*  
are known from the *Original* thus, because the  
*Teste* of that bears the Name of the Chief Ju-  
stice of that Court whence it issues, whereas the  
*Original* in the *Teste* has the Name of the Prince:  
and according to the Nature of the Action, they  
are either *Personal* or *Real*: *Real* are either touch-  
ing the Possession called *Writs of Entry*, or the Pro-  
perty called *Writs of Right*. Of the Antiquity of  
the *Writ of Right*, thus in a Charter of King  
*Athelstan's*, of Privileges granted to *St. John of*  
*Beverly, Anno 925.*

**W**, if man be cald of limes or lif,  
**W** men challenges lond in strif,  
**W**it my bodlaik togit of right,  
**W**ill Saint John habe the might.

Some *Writs* are at the Suit of the Party, some  
of Office, some Ordinary, some of Privilege. A  
*Writ of Privilege* is that which a *privileged Person*  
brings to the Court for his Exemption, by Rea-  
son of some Privilege. See *Procedendo*, and *New*  
*Book of Entries*, verbo *Privilege*. See *Brief*. The  
Word is derived from the Saxon *Writan*, *scribere*; and  
*Skinner* tells us it is worth Observation, that we alone  
of all the *German Race*, do still retain this  
Word, for they call it *schreiben*, from the Latin  
*scribo*.

**Writ of Assistance** Issues out of the Exche-  
quer, to authorise any Person to take a Con-  
stable, or other publick Officer to seize Goods or  
Merchandize prohibited and uncustomed, &c.  
*Stat. 14. Car. 2. c. 1.* There is also a *Writ* of this  
Name issuing out of the Chancery to give a Pos-  
session.

**Writ of Rebellion.** See *Commission of Rebel-  
lion*.

**Writer of the Tallies, Scriptor Talliarum,** Is an  
Officer in the Exchequer, being Clerk to the Au-  
ditor of the Receipt, who writes upon the *Tallies*  
the whole Letters of *Tellers Bills*.

**Writs Vicountiel** Are such *Writs* as are triable  
in the County or Sheriff's Court. *Old Nat. Brev.*  
*fol. 109.* See *Vicountiels*.

**Wrong, Injuria,** Is in French aptly called *Tort*,  
because *Wrong* is wrested or crooked, being con-  
trary to that which is right and strait. *Co. on Lit.*  
*lib. 2. cap. 1.*

**Worcester** in *Shropshire.* See *Virecinum*.

**Wudeheth, i. e. Felling a Wood.** In *Leg. H. 1.*  
*cap. 37.* It is derived from the Sax. *Wude*, i. e.  
*Sylva*.

**Wudheper and Wudheth.** See *Pudheper*.

**Wulveshed.** See *Woolferhed*.

**Wurec.** *Charta 1 Rich. 1. Civibus Ebor. Quere.*

**Wyke, (Wyka)** A Farm or little Village.

*Et totam Wykam cum hominibus, &c. Mon. Angl.*  
*2 Par. fol. 154. Car. cesty q'prist Lease pur anz dun*  
*Farne en le northpays appelle ceo Tacke, & en Lanca-*  
*shire il est apelle Femebolt, & en Essex, Wyke. Plow-*  
*den, fol. 169. b.*

**Wyketus, A Wicket, or little Door.**— *Et*  
*cum venisset ad portam Ecclesie predictae, per quam*  
*competeret ipsum transire ad Ecclesiam, invenit eam*  
*clausam, ita quod non potuit ingressus ad eandem nisi*  
*per unum parvum wyketum.*— *Will. Thorn. sub*  
*anno 1332.*

**Wyliscus, Leg. Ina, cap. 70.** *Duodecim mam-*  
*bra cervisia Wyliscæ, i. e. Strong Beer, 30 Blintres,*  
*i. e. Small Beer, as in Spelman Titulo Blintres.*

**Wyte or Wite, Wyta vel wita,** In Latin *Multa*.  
*Saxones duo multarum genera statuere, weram & wy-*  
*tam. Wera mortis reos & gravissime peccantes liberabat.*  
*Wyta mediis & levioribus delictis statuta fuit, non certa*  
*sed pro qualitate commissi, alias gravior, alias levior; sal-*  
*vo tamen semper contenemento delinquentis (ut lex loqui-*  
*tur in Mag. Chart. cap. 14.) hoc est, estimatione ejus,*  
*Anglice his Countenance.*— *Ex his placitis*  
*quadam emendantur centum solidis, quadam wera,*  
*quadam wyta, quadam emendari non possunt. Leg.*  
*Hen. 1. cap. 13. Emendet juxta ordinis dignitatem,*  
*sive per redemptionem, i. were; per forisfacturam, i.*  
*wyte; per legis transgressionem, i. Lashlite. MS. de*  
*Leg. Canuti in Biblioth. Cotton. sub tit. Vitellius,*  
*C. 9.*

**Wythe,** The same as *Waif*.

**Wytefry.** See *Wreckfry*.

**Wyvede,**— *Cum autem in boscis nostris aliqua*  
*succiderimus, licebit eis sine aliquo ferramento vel ali-*  
*quo usufructu succubili intrare, & ramalia que de wyvede*  
*remanserint, que Anglice Spren dicuntur, colligere.*—  
*Conventio inter Priorem & Monachos Ecclesie Christi*  
*Cant. & homines suos de Chartham facta anno 1166.*  
*Regist. Eccl. Christi Cant.*

## X.

**Xantus, For Sanctus.**

*Xanta Dei Lex est qua mortuos vivere doret.*

**Xenia, Dicuntur Munuscula que a Provincialibus**  
*rectoribus Provinciarum offerebantur. Vox est in Pri-*  
*legiorum Chartis non insueta, ubi quietus esse a Xenis*  
*immunes notat ab hujusmodi muneribus aliisque donis*  
*Regi vel Regina prestandis, quando ipsi per predia Pri-*  
*vilegiatorum transferint, ut in Chart. domus Sem-*  
*plingham. Principibus enim olim fuit in more, a sub-*  
*ditis vel invidis munera extorquere. Itaq; ab hoc jugo*  
*liberos fecit Ecclesiasticos Æthelbaldus Rex Merciorum*  
*Anno 747. ut ab exemplari Chartæ suæ tum apud*  
*Angulphum Sax. tum Will. Malmsb. lib. de Gest.*  
*Reg. Angl. p. 29. l. 4. his verbis habetur. Con-*  
*cedo ut omnia Monasteria & Ecclesie Regni mei a pub-*  
*licis vestigalibus, operibus & oneribus absolvantur.*—  
*Nec munuscula præbeant Regi vel principibus nisi vo-*  
*luntaria. Spelm. So in Memorand. Scacc. de an-*  
*no 20 E. 3. Trin. Rot 3. Nulla autem persona, par-*  
*va vel magna, ab hominibus & terra Radingenfis Mo-*  
*nafterii exigit non equitationem sive expeditionem, non*  
*summagia, non vestigalia, non navigia, non opera, non*  
*tributa, non Xenia, &c.*



**Kenodochium** Interpretatur *hospitium*, An Inn by publick Licence allowed, for the Entertainment of Strangers, and other Guests. It may also be interpreted an Hospital, *In qua valetudinarii & senes, id est, infirmi, recipiuntur & aluntur.* See *Vocab. utriusq; juris, verb. eodem.*

## Y.

**Y<sup>a</sup> & Nay**,— *Quod homines sui (Ripponienses) sint credendi per suum Ya & per suum Nay in omnibus Querelis & Curiis, licet tamen Freedmortel, &c. Charta Athelstani Regis. Mon. Ang. Tom. 1. pag. 173. a.*

**Yard**, *Virga*, Is a well known Measure, Three Foot in Length, which (Sir Richard Baker in his *Chronicle*, says) Henry the First ordained by the Length of his own Arm. See *Virga ferrea*.

**Yardland**, *Virgata Terra*, Is a Quantity of Land, various according to the Place; as at *Wimbleton* in *Surry* it is but Fifteen Acres, in other Counties Twenty; in some Twenty-four, in some Thirty, and in others Forty Acres: *Virgata terra continet 24 Acres, & 4 Virgatae constituunt unam Hydram, & quinque Hydae constituent feodum militare.* MS. *Abbatiae Malmsb.* This *Yardland*, *Bracton*, lib. 2. cap. 10, & 27. calls *Virgatum terra*, but expresses no Certainty what it contains. It is called a *Virgo* of Land, Anno 28 E. 1. Statute of Wards. See *Selden's Titles of Honour*, fol. 622.

**Yare**, A River in *Norfolk*. See *Gariennus fluvius*.

**Yarmouth**. See *Gariennum*.

**Yburpanastrea**, i. e. The stealing a Calf or Ram, or as much as a Man can carry on his Back. *Skene* could not tell the Original of the Word, but *Speelman* says it is compounded of the Letter y, for you, and *Byryin*, which signifies a Burthen, and *saca* a Sack, i. e. a Burthen in a Sack.

**Yconomus**, *Oeconomus*; an Advocate, Defender, or Patron.— *In Ecclesia illa Rex ista vice agens Yconomi & Custodis specialis.* Vit. *Abbat. S. Albani*.

**Year**. *Beda de ratione temporum*, tells us, That our Ancestors computed their Months according to the Course of the Moon; and that they began the Year at *Christmas*: This appears by the ancient Grants and Charters mentioned in the *Monasticon*, 1 Tom. 62. viz. *Acta apud Westmonasterium*, &c. *Kalendas Januarii die sanctorum Innocent.* Anno *Dominicae incarnationis MLXVI.* which Method of Computation was observed here to the Time of *William the Conqueror*, and for the greatest Part of his Reign, as may be seen in the *Monastic.* 1 Tom. pag. 43, 53. but afterwards the Year of our Lord was seldom mentioned in any Grants, but only the Year of the Reign of the King. See *Curriculum*.

**Year and Day**. *Annus & Dies*, Is a Time that determines a Right in many Cases; and in some works an Usucaption, in others a Prescription; as in Case of an Estray, if the Owner (Proclamations being made) challenge it not within that Time, it is forfeit: So is the Year and Day given in Case of Appeal, in Case of Descent after Entry or Claim; of no Claim upon a Fine or Writ of Right at the Common Law; so of a Villain remaining in ancient Domesne: Of a Man sore

bruised or wounded: Of Protections, Essoins in respect of the King's Service; of a Wreck, and divers other Cases. *Co. Vol. 6. fol. 107.* And that touching the Death of a Man, seemeth an Imitation of the Civil Law. *Nam si mortifere fuerit vulneratus & postea post longum intervallum mortuus sit, inde annum numerabimus; Secundum Julianum l. ait lex & ad legem Aquil.*

**Year, Day, and Waste**, *Annus, Dies & Vastum*, Is a Part of the King's Prerogative, whereby he challengeth the Profits of their Lands and Tenements for a Year and a Day, that are attainted of Petty Treason or Felony, whoever is Lord of the Manor whereto the Lands or Tenements belong; and not only so, but in the End may waste the Tenements, destroy the Houses, root up the Woods, Gardens, Pasture, and plough up the Meadows, except the Lord of the Fee agree with him for Redemption of such Waste, afterwards restoring it to the Lord of the Fee; whereof you may read at large in *Staundf. Prerog. cap. 16. fol. 44.*

**Yeman**, or **Yeoman**, or **Yoman**, A Derivative of the Saxon *Geman*, i. *Communis*. These *Cambden* in his *Brit.* pag. 105. placeth next in order to Gentlemen, calling them *Ingeniui*, whose Opinion the Statute affirms, Anno 6 Ric. 2. cap. 4. and 20 R. 2. cap. 2. Sir *Thomas Smith* in his *Republ. Anglorum*, lib. 1. c. 23. calls him a *Yeoman*, whom our Law calls *Legalem hominem*, which (says he) is in the English a free-born Man, that may depend of his own Free Land in yearly Revenue to the Sum of Forty Shillings Sterling. *Vershegan* in his *Restitution of decayed Intelligence*, cap. 10. writes, That *Gemen* among the ancient *Teutonicks*, and *Gemin* among the modern, signifies as much as *Common*, and the Letter G. being turned into Y. is written *Yemen*, which therefore signifies a *Commoner*. *Yeoman* also signifies an Officer in the King's House, in the middle Place between the Serjeant and the Groom, as *Yeoman* of the *Chandry*, *Yeoman* of the *Scullery*. 33 H. 8. cap. 12. *Yeoman* of the *Crown*, 3 E. 4. 5. The Word *Youngmen* is used for *Yeomen*, in the Statute 33 H. 8. cap. 10. and I have seen it written *Yeman* in old Deeds. See *Femen*.

**Yeme** Is an ancient Corruption of *Hieme*, Winter, as I have seen in an old Deed.— *Reddend. — Ad Festum S. Martini in Yeme, &c.* And in another of 4 Edw. 3. thus, — *Reddend. quando dist. quatuor acra terra seminantur semine Yemali, duodecim Bussel. boni & legalis frumenti ad Festum Purificationis, &c.*

**Yeoven** or **Yeoven** (as we use at the End of Indentures and other Instruments, *Yeoven, the Day and Year first above written*) is derived from the Saxon *Ceorian*, i. e. *Dare*, and is the same with *Given*. So *Dictum de Kenelworth* concludes with — *Yeoven, and Proclaimed in the Castle of Kenelworth the Day before the Calends of Nov. Anno 1256.*

**Yew** Is derived by *Minsheu*, from the Greek Word *ἰπταν*, which signifies to hurt, probably, because before the Invention of Guns, our Ancestors made Bows with this Wood, with which they hurt their Enemies, and therefore they took Care to plant the Trees in the Church-yards, where they might be often seen and preserved by the People.

**Yielding and Paying** (*Reddendo & solvendo*) Is a Corruption from the Sax. *Geldan*, and *Gildan*, *Solvere, prestare*. And in *Domesday*, *Gildare* is frequent-

ly used for *Solvere, reddere*; the Saxon G, being often mistaken into Y.

**Þingman**, Leg. H. 1. cap. 15. *Danagildum quod aliquando yingeman dabatur, i. 12. de unaquaque hida per annum; si ad terminum non reddatur, wita emendetur.* Spelman thinks this may be mistaken for *Inglishman*, or as we say now *Englishman*, though he finds it written *yingeman* both in Sir Robert Cotton's Codex and his own.

**Þpþvremeta** Signifies in Latin *Altitonans, i. e. God.*

*Dic rogo, dic lachrymis pietatis clausula, Jesu, Parce tuo famulo, Ypþvremeta pie.*

**Þficus.** *Anketel*, in the Reign of King *Ethelred*, gave to the Abbot and Monks of *Ramsay* the Land of *Hicbeling*, to receive from it this annual Sum or Rent in Provisions—*ad festum S. Benedicti quod est in estate 10 mittas de braseo & 5 de gruto, & 5 mittas farinae triticea, & 8 pernos, & 16 caseos, & 2 vaccas pingues— in capite autem quadragesima 8 fratribus yficios annuatim—* Histo. Ramf. se&. 144. By yficios understand, what in Old English they call *Yfinges*, a Sort of pickled Salmon.

**Þvernagium**, (From the French *Hyvernee*, that is, the Winter-Season) was antiently used for the Winter Seedness, or Season for sowing of Corn; *Diffus vero Willielmus & heredes sui arabunt unum selionem ad yvernagium, & unum selionem ad semen Quadragesimale, & unum selionem ad warectum, &c.* Charta Richardi de Harecourt penes Tho. Wallascot Arm. sine Dat.

**Þule**, Deep in the North Parts of England, the Country People call the Feast of the Nativity of our Lord, usually termed *Christmas*, *Yule*, and the Sports used at *Christmas*, here called *Christmas Gamboles*, they stile *Yule-Games*. *Yule* is the proper Scotch Word for *Christmas*. See the A& I Geor. cap. 8. for repealing an A& intituled, *An A& for repealing Part of an A& passed in the Parliament of Scotland*, intituled, *An A& for discharging the Yule-Vacance.*

Z.

**Zabulum**, (Latin *Sabulum*) Gross Sand or Gravel. *Quinque Plaustratas Zabuli*, for Five Wain-loads of Sand. *Computus temp. Hen. 6.*

**Zabulus, i. e. Diabolus**: It is mentioned in several of our Historians, viz, *Gildas in Excidio Britannie*, *Edgar in Leg. Monachorum Hydensium, c. 4.* **Zacones**, For *Diacones*.

**Zala, i. e. Incendium**: It is probable from hence we derive the English Word *Zeal*.

**Zatovy, i. e. Sattin**: It is mentioned in the *Monast. 3 Tom. pag. 177.*

**Zealot, Zelotes**, Is for the most Part taken in pejorem sensum, and so we Term one that is a Separatist or Schismatick from the Church of England, a Zealot, or a Fanatick; which are well known Terms of Separation.

**Zeta**, A Dining-Room, Hall, or Parlour.

*Elpbeus cum Zetam veluti pransurus intraret, tam vacuus fere a mensa surrexit, quam vacuus ad mensam accessit.* Osborn. vita S. Elphegi apud Whartoni Angl. Sacr. P. 2. p. 127.

**Zomata** For *Somata*.

**Zuche, Zuchcus, Stips siccus & aridus**, A withered or dry Stock of Wood, Rex, &c. *Quia accepimus per Inquisitionem quod non est ad dampnum seu prejudicium nostrum aut aliorum, si concedimus dilecto valetto nostro Ric. de Stelley omnes Zuches aridos, qui Anglice vocantur stovenes, infra Haiam nostram de Beskewood, qua infra forestam nostram de Shirewood, &c. Pla. Forest. in Com. Nott. de Anno 8 H. 3.*

*Auxilium faciend. Burgenfibus Salop. de veteribus Zuchis, & de mortuo bosco, &c. Claus. 4 Hen. 3. m. 10. Rex concessit Thoma de Colville omnes Zuchcos aridos, vocat. stubs, arborum succisorum, in Foresta de Galtres, ibidem capiend. per visum Custodis foresta ultra Trentam. Pat. 22 Edw. 3. Par. 3. m. 12.*

# A N APPENDIX

## CONTAINING

The ancient Names of Places here in *England*, and also an Alphabetical Table of antient Surnames; very necessary for the Use of all young STUDENTS, and others, who intend to converse with Old *Records, Deeds, or Charters*. Amended and Enlarged.

A.	A.	Alenius, flu.	<i>The River Alen in Dorsetshire, another in Denbighshire, also the River Alne in Warwickshire.</i>
<b>A</b> Blato Bulgio,	<b>B</b> Ulness or Bolness in	Alion,	<i>Lancaster, also Whitby-Castle</i>
Aballaba, }	<i>Cumberland.</i>	Alione,	<i>in Cumberland.</i>
Applebeia, }	<i>Apulby in Westmorland.</i>	Alone,	<i>The River Alon in Northumberland.</i>
Abum,	<i>The River Humber.</i>	Alone, flu.	<i>Ambleside in Westmorland.</i>
Abbandunum,	<i>Abingdon, in Berkshire, formerly called S E W-</i>	Amboglanna,	<i>Amesbury in Wilts.</i>
Abbendoma, }	<i>S H A M.</i>	Ambrosii burgus,	<i>Gogmagog Hills near Cambridge.</i>
Abendonia,	<i>Avington or Aventon in Gloucestershire.</i>	Amænissima montana	<i>The Hundred of Denby in Oxfordshire.</i>
Abone,	<i>Gloucestershire.</i>	de Balsam,	<i>Newenden in Kent.</i>
Abonis,	<i>Humber in Yorkshire.</i>	Ancalites,	<i>Andover in Hantsire.</i>
Abrevicium,	<i>Bishops Aukland in the Bishoprick of Durham.</i>	Anderida,	<i>Anglesey.</i>
Abbas æstuarium,	<i>Athelney in Somersetshire.</i>	Andevera,	<i>The Isle of Ely.</i>
Achelandæ,	<i>Storeham in Hampshire, near Redbridge.</i>	Anglesega,	<i>The City of Ely.</i>
Adelingia,	<i>Waltown.</i>	Mona,	<i>The Lands End.</i>
Ad-Lapidem,	<i>Pawnton in Lincolnshire.</i>	Anguillaria insula,	<i>Aufon or Nen in Northamptonshire.</i>
Ad-murum,	<i>Bardsey Island betwixt Wales and Ireland.</i>	Anguillarum Monasterium,	<i>Pap-Castle in Cumberland.</i>
Ad-pontem,	<i>Ederington in Suffolk.</i>	Antivestæum,	<i>Bath City in Somersetshire.</i>
Adros, vel }	<i>The Isles of Hebrides to the West of Scotland.</i>	Autona, vel }	<i>Eidure, vulgo Eatoun.</i>
Andros, vel }	<i>An old Town near Hadrian's Wall in the N. of Engl.</i>	Aufona,	<i>Waterdon.</i>
Andium,	<i>Eaton in Berkshire.</i>	Apiacum,	<i>Eisford.</i>
Adurni portus,	<i>See Segelocum.</i>	Aquæ calidæ,	<i>Aieton.</i>
Æbudæ,	<i>Carmarthenshire.</i>	Aquæ solis,	<i>Hoxten instead of Eagles-Town.</i>
Æliani-Porta,	<i>The River Avon in Wiltshire.</i>	Akeman-cester,	<i>Ireby in Cumberland.</i>
Ætona,	<i>Milford-Haven.</i>	Aquædon,	<i>Kenchester near Hereford.</i>
Afena,	<i>Maidenhead in Berkshire.</i>	Aquædunensis saltus,	<i>Arundel in Suffex.</i>
Afena,	<i>The River Alne in Northumberland.</i>	Aquævadensis pons,	<i>Redbridge in Hantsire.</i>
Agelocum,	<i>Whitkurch in Shropshire.</i>	Aquædunum,	<i>Arunus, A</i>
Ager Maridunensis,		Aquilædunum,	
Alannius,		Arbeia,	
Alaunicus portus,		Ariconium,	
Alaunicus Pons,		Arundelia,	
Alaunodunum,		Arundellum,	
Alaunus, flu vel }		Aruntina vallis,	
Alanus,		Arundinis vadum,	
Album Monasterium,			

# A Table of the Names of Places, &c.

Arunus, fl.	<i>The River Arun in Suffex.</i>	Belerium prom.	<i>See Antiveftæum.</i>
Arvonica,	<i>Carnarvonshire.</i>	Bellinus finus,	<i>Billinggate.</i>
Arus, fl.	<i>The River Are in Yorkshire.</i>	Belifama,	<i>Ribelmouth in Lancafhire.</i>
Asaphenfis epifcopat'.	<i>The Bifhoprick of St. Afaph.</i>	Bellelanda,	<i>Bilad in Yorkfhire.</i>
Athanaton,	<i>The Ifle of Thanet in Kent.</i>	Belloclivum,	}
Athelis flu.	<i>The River Tees in the Bifhoprick of Durham.</i>	Bello-defertum,	
	<i>Berkfhire Men.</i>	Bellus locus,	
Attrebatii,	<i>The River Nine in Northamptonfhire.</i>	Berceia,	}
Aufona,	<i>Glaftonbury in Somerfetfhire.</i>	Bereheria,	
	<i>London.</i>	Berechingum,	
Avalonia,	<i>Aven in Wiltfhire.</i>	Berclea,	<i>Barking in Effex.</i>
Augusta Trinobantum		Bermundi infula,	<i>Berkley in Gloucefterfhire.</i>
Avena, flu.		Bernardi Castellum.	<i>Bermondsey in Surrey.</i>
	<i>The River Avon, that runs by Malmesbury, Bradford, Bathe, Bristol.</i>	Bernicia,	<i>Bernard-Caftle in the Bifhoprick of Durham.</i>
	<i>The River Nen, that runs through Northamptonfhire by Oundle, Peterborough, and into the Sea near Lin.</i>	Berwicus,	<i>Was a Province reaching from the River Tees to Edenborough Frith in Scotland.</i>
	<i>The Avon that flows by Amesbury, Salisbury, and fo into Dorfetfhire.</i>	Beverlea,	<i>Berwick upon Tweed.</i>
	<i>The Waveney that divides Norfolk and Suffolkruns by Bongay, corruptly fo called for Avoney.</i>	Beverlacenfis,	<i>Beverky in Yorkfhire.</i>
	<i>The Avon rifing not far from Nafeby in Northamptonfhire, runs by Warwick, Stratford, Evesham, and into the Severn at Tewkesbury.</i>	Bibrocaffi,	<i>Of or belonging to Beverley.</i>
Avona, flu.		Bibroci,	<i>The Hundred of Bray in Yorkfhire.</i>
		Bimonium vinocium,	}
		Brinonium vinovia,	
		Binovia,	
		Binovium,	<i>Bincheftcr in the Bifhoprick of Durham.</i>
		Bifhamum,	<i>Bifham in Berkfhire.</i>
		Blacamora,	<i>Part of the North-Riding of Yorkfhire,</i>
		Blancaforda,	<i>Blandford in Dorfetfhire.</i>
		Blancum castrum,	<i>Blane-Caftle in Monmouthfhire.</i>
		Blatum Bulgium,	<i>Bulneffe or Bolneffe in Cumberland.</i>
		Bleftium,	<i>Old Town in Herefordfhire.</i>
		Boccinum,	<i>Buckingham and Buckenham.</i>
		Bodiamum,	<i>Badiam in Suffex.</i>
		Bodotria,	<i>Edenborough Frith.</i>
		Bolerium Prom.	<i>See Antiveftæum.</i>
		Bonium feu Bovium,	<i>Boverton or Cowbridge in Glamorganshire, alfo Bangor or Banchor in Flintfhire.</i>
			<i>St. Ellen's Cape.</i>
		Boræum Prom.	<i>Berwick upon Tweed.</i>
		Borcovium,	}
		Borcovieus,	
		Botelega,	
		Bovium,	<i>Bouley near Oxford.</i>
		Braboniacum,	<i>Boverton in Brecknockfhire.</i>
		Bracchium,	<i>Brougham in Weftmerland.</i>
		Brachilega,	<i>Brough in Yorkfhire.</i>
			<i>Brackly in Northamptonfhire.</i>
		Bramptonia,	<i>Brampton near Huntington.</i>
		Brannodunum,	<i>Branchefter in Norfolk.</i>
		Branovium,	}
		Branoricum,	
		Bravinum,	
		Branconium,	<i>The City of Worcester.</i>
		Brannovium,	}
		Brechinia,	
		Bremenium,	
			<i>Brecknock.</i>
		Brementonacum,	<i>Rocheftcr in Northumberland.</i>
		Brementuracum,	<i>Querborow in Lancafhire.</i>
		Brentæ Vadus,	<i>Brampton in Cumberland.</i>
		Brigantes,	<i>Brentford in Middlefex.</i>
			<i>Inhabitants of Yorkfhire.</i>
			<i>Lancafhire, Bifhoprick of Durham, Weftmorland and Cumberland.</i>
		Brigantium,	<i>York City.</i>
			<i>Bridge</i>



*A Table of the Names of Places, &c.*

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10

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# A Table of the Names of Places, &c.

Gravesenda,	}	Gravesend in Kent.
Greva,		
Grenovicus,	}	Greenwich in Kent.
Grenovicum,		
Greenwicum,	}	Wales.
Gualæ,		The River Wharf in York-
Guerfa flu.		shire.
Guldonicus clivus,		Guy-cliff near Warwick.
Guincthia,		Wales.
Guldforda,		Guildford in Surrey.
Gumicastm,	}	Goodmanchester near Huntin-
Gumicaster,		don.

## H.

<b>H</b> abitancum,		Risingham in Northumber-
Hadriani murus,		land.
Haga,		The Pits Wall
		The Hay, or Hasely in Breck-
Hagulfstadia,		nockshire.
		Auston upon Tyne in Nor-
Hagulfstadunum,		thumberland.
		Hexam in the Bishoprick
		of Durham.
Halenus,		River Avon in Hampshire.
Hamptunia,		Southampton in Hantsire.
Hansus flu.		The River Hans in Stafford-
		shire.
Hantonia,		Hantsire.
Harefordia,		Hereford City.
Hastingæ,		Hastings in Suffex.
Hebrides,		A Cluster of Isles that lie
		on the West Side of Scot-
		land.
Helenium prom.		The Lands-end.
Helienfe cænobium,		Ely City in Cambridgeshire.
Henlega,		Henley upon Thames.
Herculis prom.		Hertey Point in Devonshire.
Herefordia,		Hereford City in Hereford-
		shire.
Hertfordia,		Hertford.
Hertfordiæ comitatus,		Hertfordshire.
Hesperides,		The Sorlings or Scilly Isles.
Hibernia,		Ireland.
Hinchesega,		Hincksey near Oxford.
Hithinus portus,		Hith in Kent.
Hodneius flu.		The Hodney in Brecknock-
		shire.
Hollandia vel	}	Holland, a Part of Lincoln-
Hoilandia,		shire.
Homelea flu.		The River Humble over-
		against the Isle of Wight,
		in Hantsire.
Hrofi civitas,		Rocheſter in Kent.
Humbra flu.		The River Humber in York-
		shire.
Hundesdena,	}	Hunsdon in Herefordshire.
Hunsdona,		
Hungrforda,		Hungerford in Berksire.
Huntingdonia,		Huntingdon Town.
Huntingdonensisager,		Huntingdonshire.
Hurſtelega,		Hurſley.
Hwiccii,		People of Worceſterſhire,
		and about Severn.
Hydropolis,		Dorcheſter in Oxfordſhire.
Hymbronſes,		People of Northumberland.

## I.

<b>I</b> amcaſa,	}	The Thames according to
Iamiſſa,		Ptolomy.
Iccius portus,	}	Callis Whiſſand.
Iceni,		People of Suffolke, Norfolk,
		Cambridge and Hun-
		tingdon ſhires.
Iciani vel	}	Ichborow in Norfolk.
Iſianos,		
Iſta,	}	The Iſle of Wight,
Idumania,		The River Stone.
Idumanum æſtuar',	}	The River Blackwater in
Idumanus flu.		Effex.
Ingiruum,		Farrow in the Biſhoprick
		of Durham, where Beda
		flouriſhed.
Infula,		Egneſham or Eniſham in
		Oxfordſhire.
Infula ſituum,		The little Iſle of Silley in
		Severn.
Infula veſta,	}	The Iſle of Wight.
Veſtis, veſteſis,		
Interamna,		Twinamburn in Dorſet-
		ſhire.
Iſaca vel	}	Chriſt-Church in Hantsire.
Iſca,		The River Exe in Devon-
Iſannavantia,	}	ſhire.
Iſannavaria,		Northampton, or rather We-
Iſannavaria,	}	don on the Street in North-
Iſca Danmoniorum,		amptonſhire.
Iſca, legio Auguſta,	}	Exeter City.
Iſca legua Auguſti,		Caerleon City in Glamorgan-
Iſchalis,		ſhire.
		Inelcheſter, commonly cal-
		led Ilcheſter in Somerſet-
		ſhire.
Iſidis Infula,		Ouſney by Oxford.
Iſidis vadum,		Ouſeford or Oxford.
Iſis flu,		The River Iſis by Oxford.
		The Ouſe that runs by Buck-
		ingham.
		Another Ouſe that runs by
		York.
Iſuria,		Yorkſhire.
Iſurium,		Aldburgh or Olburrow in
		Yorkſhire.
Itium Galliz,		Viſſan or Whiſſan near Ca-
		alis in France.
Ituma flu.		The River Eden in Weſt-
		morland and Cumberland.
Itunna,		The River Eden, or Solway
		Frith in Scotland.
Julia ſtrata,		A Highway not far from
		Caerleon in Wales.

## K.

<b>K</b> anus flu.		The Kin in Weſtmoreland.
Keneta flu.		The River Kennet in Wilt-
		ſhire.
Keresburga,		Carisbrook-Caſtle in the Iſle
		of Wight.
Keſtevena,		Keſteven, a Part of Lincoln-
		ſhire.
Kinebantum caſtrum,		Kimbolton-Caſtle in Hunting-
		donſhire.

L. Laſto-



# A Table of the Names of Places, &c.

<b>L.</b>		Longhas,	<i>A River on the West Side of Scotland, that falls into the Western Ocean, it is called Logh, Longhtus.</i>
<b>L</b> Astodorum,	}	Lomithis,	}
La Astodorum,		Lonuthis,	
Lactorodum,		Londinum,	
La Astorodum,		Londinium,	
Lagecium,		Londinia,	}
Lamitha,		Londonia,	
Lancastria,		Loncastria,	
Lancastrensis Comit',		Longovicium,	
Landava,		Loxa,	}
Langanum Prom.		Lugas,	
Lavatres,	}	Lucopibia,	
Levatres,		Luguballia,	
Lavatris,		Lugaballum,	
Levatris,		Luguvallum,	
Lea flu.		Lychefeldia,	}
Legecestria,	}		
Legaceltria,			
Legio 2. Augusta,			
Legio 6. Nicephorica,			}
Legio 6. Viatrix,			
Legio 20. Viatrix,			
Legra,			
Lemaus portus,			}
Lemanii,			
Leogoria,			
Leonense cœnobium,			
Leovenſe,	}		}
Leofenſe,			
Leonis Monasteriu',			
Leonis castrum,			
Levarum,			}
Lhocgria,			
Lichfeldia,			
Lideforda,			
Liddenus,			}
Limenus flu.			
Limnos,			
Limodomus,			
Lympida sylva,			
Lincolnia,	}		}
Lindcollinum,			
Lindisfarna,			
Lindisfarnum,			
Lindis,			}
Lindescia,	}		
Lindisia,			
Lindocolina,			
Lindon,			}
Linnus Regis,			
vel Linum,			
Lisia,			
Loghor,			}
Logii,			

*A Table of the Names of Places, &c.*

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# A Table of the Names of Places, &c.

Ortadeni, Ortadini, Ortalini, Ortatini, Ottaforda, Ovinia infula, Oxenforda, Oxonia, Oxonium, Oxinaga, Oza,	<p>} People of Northumberland.</p> <p>Oxford in Kent. The Isle of Shepey in Kent.</p> <p>} Oxford City.</p> <p>Oxney Isle in Kent. The River Ouse.</p> <p>P.</p> <p>Pulchley in Carnarvonshire. Walsingham in Norfolk. People of Holderness. Peckirke not far from Crowland.</p> <p>Pembroke in Wales. Pendennis - Castle in Cornwall.</p> <p>Shrewsbury Town. A Place in Merionethshire, where is the Lake Taggit, whence rises the River Dee.</p> <p>Penkridge in Staffordshire. Penrin in Cornwall. The River Pant in Essex.</p> <p>Pershore in Worcesterhire.</p> <p>The Peterill in Cumberland.</p> <p>Peterborough City in Northamptonshire. Beverly in Yorkhire.</p> <p>Peversey in Suffex. The Country of the Picts. The Picts, a People of Britain.</p> <p>The Royal Palace at Greenwich.</p> <p>A high Mountain in Wales, whence Severn, Wye, and Rydol, take their Rise.</p> <p>Reading in Berkshire, also Colebrook in Buckinghamshire.</p> <p>Burrowbridge in Yorkhire. Faunton in Lincolnshire.</p> <p>Pont-Eland in Northumberland.</p> <p>The Pont in Northumberland.</p> <p>Portsmouth in Hantsire.</p> <p>Portland Isle.</p> <p>Portsmouth or Portchester.</p> <p>Cromarty. Powys, a Part of Wales. Warwick Town. Patrington in Yorkhire. Prudhow, or Prudhow-Castle in Northumberland.</p> <p>Deptsford. Putney in Surrey.</p>	<p>R.</p> <p>Radnor in Radnorshire</p> <p>Ratford or Ratford.</p> <p>Ralegh in Essex. Ramesbury in Wiltshire. Leicester Town. The Taff in Glamorgan-shire. Reading in Berkshire. Kingston upon Hull in York-shire.</p> <p>Kingston upon Thames. Queenborough in Kent. People of Surrey, Suffex, and the Sea Coasts of Hantsire. Ringwood in Hampshire. Reculver in Kent. Repton in Derbyshire. The Read in Northumberland. The River Remny in Glamorganshire. The Ribell in Lancafter.</p> <p>Reptacester, Ruptimuth, Richberg, now Richborough, near Sandwich in Kent.</p> <p>Fair foreland. Riblechester in Lancashire. Richmund in Yorkhire, also the same in Surrey. Reppon in Derbyshire. Rippon in Yorkhire. Rother Bridge in Suffex. Radcot-Bridge on the River Isis in Oxfordshire.</p> <p>Rocheester City in Kent. Royston in Cambridgeshire. Roffe-land in Cornwall, also Rose in Pembrokeshire.</p> <p>Riton upon Dunsmore in Warwickshire.</p> <p>Redcliffe near London, vulgarly Ratcliffe. Goldcliffe in Monmouthshire.</p> <p>Ruthin in Denbighshire. Rutlandshire. Rowton in Shropshire. Richborough near Sandwich in Kent. The Foreland in Kent.</p>
<p><b>P</b> Alus falsa, Parathalassia, Parisi, Peglandia,  Penbrochia, Pendinas,  Penguernum, Penlinnia,    Pennocrucium, Pennorinum, Pente flu. Perfcora, Perfora, Peterillus, Peterus flu. Petriburgus, Petropolis, Petuaria vel PetuariaPariflorum Pevensea, Pictavia, Picti,  Placentia,  Plinlimonia,  Pontes,   Pons Burgenfis, Ad Pontem, Pons Aelii,  Pontus flu.  Portesmuatha, Portlandia, Portunia infula, Portus magnus, Portus ostium, Portus saluris, Powisia, Præsidium, Prætorium, Procolitia, Protolitia, Profundum vadum, Putenega,</p>	<p><b>R</b> Adnoria, Raga, Raga, Ragancia, Ramesburia, Rata, Rata stabius flu.  Readingum, Regiodunum Hullinum, Regiodunum Thamefinum, Regis Burgus, Regni,  Regni Sylva, Regulbium, Repandunum, Rhodus flu.  Rhemiis,  Rhibellus flu. Rhizubi portus, Rhutubi portus, Rhutupia statio, Rhutupis portus, Rutupius portus, Rhobogdium prom. Rhobodunum, Richmundia, Richmondia, Ripadium, Ripodum, Robertinus pons, Rodecotanus pons,  Roibis, Roffa, Roisix oppidum, Rossia,  Rugnitunia, Ruitonia, Rutunia, Ruber clivus,  Rupis aurea,  Ruthunia, Rutlandia, Rutunium, Rutupia,  Rutupirum litus,</p>	<p>S. Sabaudia,</p>

# A Table of the Names of Places, &c.

S.		Snawdonia,	Snowdown Forest in Carnarvonshire.
S	Abaudia,	Somaridunum,	Somerton in Lincolnshire.
		Somerfetenfis co-	
	The Savoy in London.	mitatus,	Somersetshire.
		Somertunenfis co-	
	The River Severn.	miratus,	
		Sorbiodunum,	Old Salisbury.
	Sandwich in Kent.	Sorviodunum,	
		Sorurodunum,	Southampton.
	Holy Isle by Northumberland.	Southamptonia,	
		Southeria,	The County of Surrey.
	Halifax in Yorkshire.	Surria,	
		Southerlandia,	Sunderland in Scotland.
	Saludy in Bedfordshire.	Southria,	
		Southriana,	Surrey.
	Salisbury City in Wiltshire.	Southregienfes,	
		Southsexena,	People of Surrey.
	Shrewsbury.	Southsexia,	
		Southwella,	The County of Suffex.
	Shropshire.	Spinarum insula,	
		Spinæ,	Southwell in Nottinghamshire.
	Sawtry in Huntingdonshire.	Staffordia,	
		Stanfordia,	Thorney Isle, the old Name of Westminster.
	Sandwich in Kent.	Stenum,	
		Stourus,	Newberry in Berkshire, and Spiney near Newbury.
	Guernsey Island.	Stringulia,	
		Strivillina,	Stafford Town.
	The Severne.	Struccia vel	
		Strucia flu.	Stanford in Lincolnshire.
	Shaftsbury in Dorsetshire.	Stuodunum,	
		Sturus flu.	Stene in Northamptonshire.
	Chelsea by London.	Sulcalva flu.	
		Sudoverca,	The River Stour in Kent, in Dorsetshire, in Suffolk.
	Shirburn in Dorsetshire.	Suffolcia,	
		Suffolcia,	Chepstow in Monmouthshire.
	Scone in Scotland.	Sullomacæ,	
		Sullonicæ,	Sterling in Scotland.
	Scots.	Sunningum,	
		Salimnos insula,	Iffwith in Cardiganshire.
	Scotland.		
			Stourton and Stourminster in Dorsetshire.
	Shrewsbury Town.		
			The Stour in Derbyshire.
	Leskard in Cornwall.		
			The Swale in Yorkshire.
	Seckington in Warwickshire.		
			Southwark.
	Segbill in Northumberland.		
			Suffolk.
	Aulert in Shirwood in Nottinghamshire.		
			Brockley-Hill near Ellestre in Hertfordshire, also Barnett or Edgworth Shelney.
	Agle in Lincolnshire.		
			Sunning by Reading.
	Littleborough in Nottinghamshire.		
			Sulmei Isle not far from Milford Haven.
	Caer-sejont near Caernarvon Town.		
	Silchester in Hantsire.		
	Selbury Hill in Wiltshire.		
	Seolsey or Selfey in Suffex, sometime a Bishop's See.		
	The little Isle of Silley in Severn, as Cambden thinks.		
	People of South-Wales.		
	Sinmodun-Hill near Wallingford in Berkshire.		
	Thetford in Norfolk.		
	The old Name of St. Ives in Huntingdonshire.		

T.

Taffus flu.	The Taffe in Glamorgan-shire.
Taizalos & Verni-	People of Northumber-
cones,	land.
Tama flu.	The River Tame in Oxford-
	shire, another in Stafford-
	shire.
Tama oppid.	Tame, a Town in Oxford-
	shire.
Tamara flu.	The River Tamar in Corn-
	wall.
Tamawordina,	Tamworth in Stafford-
	shire.
Tamara oppid.	Tamarton in Cornwall.
Tamifis,	The Thames.
Tanfelda,	Tanfield in Yorkshire.
Tava,	The River Tay in Scot-
	land.
Tavistokia,	Tavestock in Devonshire.

Ted-



# A Table of the Names of Places, &c.

Tedfordia,		<i>Tedford in Norfolk.</i>	Vallum,		<i>The Pits Wall.</i>
Teefis &	}	<i>The River Tees in the Bishoprick of Durham.</i>	Vandalis flu.		<i>The River Wandie in Surrey.</i>
Teefa,		<i>The Lake Tagit or Pemble Meer in Merionethshire in Wales.</i>	Vandelbiria,		<i>Wandelsbury, a Fort on the Hills near Cambridge.</i>
Tegæus Lacus,		<i>The River Trent.</i>	Vanatinga,		<i>Wantage in Berkshire.</i>
Terentus flu.		<i>Tedbury in Gloucestershire.</i>	Varia flu.		<i>The Frome at Dorchester, in Dorsetshire.</i>
Tetrocuria,		<i>The River of Thames.</i>	Varis,		<i>Boenary in Flintshire.</i>
Thamifis,			Vesta,	}	<i>The Isle of Wight.</i>
Thanaton } insula,	}	<i>The Isle of Tanet in Kent.</i>	Vestefis,		
Thanatos }		<i>Theobaldi House in Hertfordshire.</i>	Vistefis,		
Theobaldenses ædes,		<i>Wells in Somersetshire.</i>	Venantodunia,		<i>Huntingdonshire.</i>
Theodorunum,		<i>Tewksbury in Gloucestershire.</i>	Venantodunum,	}	<i>Huntingdon Town.</i>
Theoci curia,	}	<i>The Bath City.</i>	Venatorum mons,		
Theokesberia,		<i>The River on which Thetford stands.</i>	Venedotia,		<i>North Wales.</i>
Thermæ,		<i>Thong-Castle in Lincolnshire.</i>	Venta Belgarum,		<i>Winchester in Hantsire.</i>
Theta,		<i>Taunton in Somersetshire.</i>	Venta Icenorum,		<i>Caster near Norwich.</i>
Thongum,		<i>Thorne, the old Name of Westminster.</i>	Venta Silurum,		<i>Caer-ewent in Monmouthshire.</i>
Thonodunum,		<i>Thorney in Cambridgeshire.</i>	Verlucio,		<i>Warmister in Wiltshire.</i>
Thornega,		<i>Tichfield in Hantsire.</i>	Vernemetum,	}	<i>Burrow-Hill in Leicestershire.</i>
Thorneia,		<i>The River Tinc in Northumberland.</i>	Vernometum,		
Tichfelda,		<i>Winchester in the Wall.</i>	Verometum,		
Tina &	}	<i>Tinmouth in Northumberland.</i>	Verolamium,	}	<i>Verulam City near St. Albans in Hertfordshire.</i>
Tinna,		<i>Tintagell in Cornwall.</i>	Virolamium,		
Tindolana,		<i>The Isle of Sheppey in Kent.</i>	Verulamium,		<i>Warwick Town.</i>
Tinemutha,		<i>Towcester in Northamptonshire.</i>	Verovicum,		<i>Wheatly-Bridge near Oxford.</i>
Tintagium,		<i>Totnes in Devonshire.</i>	Vereleganus pons,		<i>Burgh upon Stanemore in Westmorland.</i>
Toliapis,	}	<i>The River Trent.</i>	Vertez,		<i>Watlings-street Way.</i>
Toliatis,		<i>London.</i>	Verrilingiana via,		<i>Fuellmouth in Somersetshire.</i>
Torcestria,		<i>The River Trent.</i>	Vexala,		
Totonefium,		<i>Atterith, a Town in Scotland.</i>	Vicus Malbanus,		<i>Namptwich in Cheshire.</i>
Trehenta,			Vicus Saxeus,		<i>Standrop in the Bishoprick of Durham.</i>
Trenovantum,			Vigornia,		<i>Worcester City.</i>
Trenta,			Villa Faultini,		<i>St. Edmundsbury in Suffolk.</i>
Trimontium,			Vilugiana provincia,		<i>Wiltshire.</i>
Triptoantes,	}	<i>People of Middlesex and Essex.</i>	Vinchelsaga,	}	<i>Winchelsey in Sussex.</i>
Trinobantes,		<i>Towcester in Northamptonshire.</i>	Vindagora,		
Triovantes,		<i>The River Telf that runs into Southampton Bay.</i>	Vindelisi,		<i>Old Winchelsey.</i>
Tripontium,			Vindelifora,		<i>Windsor in Berkshire.</i>
Trisantonæ,			Vindobala,	}	<i>Walls-end in Northumberland.</i>
Trisantonis portus,	}	<i>Southampton.</i>	Vindomera,		
Tuefis,		<i>Berwick upon Tweed.</i>	Vindogladia,		<i>Wimborne in Dorsetshire.</i>
Tunnocellum,		<i>Tinmouth in Northumberland.</i>	Vindugladia,		<i>Old Winchester in Northumberland.</i>
Tunocellum,		<i>The River Teivi in Wales.</i>	Vindolana,		
Turopius,			Vindonum,	}	<i>Silceastre in Hantsire.</i>
			Vindonus,		
			Vinduglessus,		<i>Vandales in the Bishoprick of Durham.</i>
			Viretinum,	}	<i>Worcester in Shropshire.</i>
			Virecium,		
			Vitidis sinus,		<i>Greenwich.</i>
			Virofidum,		<i>Wereswick upon Eden near Carlisle in Cumberland.</i>
			Vitrea insula,		<i>Glasstonbury in Somersetshire.</i>
			Vituli insula,		<i>Selsey.</i>
			Ulmetum,		<i>Elmestry in Yorksire.</i>
			Umber flu.		<i>The River Humber in Yorksire.</i>
					<i>Cotswold in Gloucestershire.</i>
					<i>Bodmyn.</i>
					<i>Falmouth in Cornwall.</i>
					<i>Fulham in Middlesex.</i>
					<i>Old Perith in Cumberland.</i>
					<i>Forval in Yorksire.</i>
					<i>Ufoconna.</i>

# A Table of the Names of Places, &c.

Ufoconna, Uxela, Uzella, Uzela æstuarium,	Okenyate in Shropshire. Crekeborn-well. Lestythiell in Cornwall. Fuelmouth in Somersetshire.	Wetha, Wichcombia, Wichum, Wiccia, Wigornia, Wiltonia, Wimundhamia Winburna, Winclcumba, Winchelcumba, Windefora, Windlesora, Windeforia, Wirlesia,	The Isle of Wight according to W. Malmesbury. Wickham in Buckingham- shire. Wich in Worcestershire. Worcestershire. Worcester City. Wiltshire. Wimundham in Norfolk. Winburne in Dorsetshire. Winchcombe in Gloucester- shire. Windsor in Berksire. Wittlesey in Huntingdonshire.
	W.		Y.
Wakefeldia, Waldena, Wallia, Wara, Warwicana pro- vincia, Warwici Comitatus, Wiablaia, Wellæ, Wentana civitas, Westberia, Westmaria, Westmorla, Westmorlandia, Westmonasterium,	Wakefeld in Yorkshire. Saffron-Walden in Essex. Wales. The Town of Ware in Hert- fordshire. Warwickshire. Weobly Town in Hereford- shire. Wells City in Somersetshire. Winchester City. Westbury near Bristol. Westmorland. Westminster City.	Y Arum, Yarienienis, Garienus, Yarmuthia, Jernmuthia, Garanonum, Garienis ostium,	Yare in Yorkshire. Yare River in Norfolk. Yarmouth in Norfolk.

if Name of a Place begins with <sup>or ends</sup>

*Abington* - it signifies, that it belonged to some Abbey, or that an Abbey was founded there.

*Win* - that some great Battle was fought there - Sax - *Win* - *Winc* -

*Ham* - is a House, Village or little Town - *Wenham*, *Stonham*, *Wintham* -

*Lea*, *Day* - an open Field or large Pasture - *Rowley*, *Beverley* (Saxon - *Leag* - *Day*)

*Wich* - a Place on y Sea Shore or Bank of a River - in Saxon a Street  
village or dwelling Place - so London *wic* - is London Town - so  
*Gippa wic* is Gipp Town or Ipswich - *Norwich* is North Town -

*ed* - is a shallow made by damming up y Water

*in* - in Downday Register signifies only - Land it is arable -

*burgh*, *Curh* or *borough* - is derived either from y Saxon *Burgh* - *Spidun*, *Cathun*, or  
from y Gotte *Berg* - *Rupor*, *Saxun*

*bury* - *Saxon* *Berg*, a Hill or Castle - is the Will or Seat of a nobleman,  
a dwelling House, a Mansion House, a court or chief Town

*Tun* - a Town, Village or dwelling Place. from y Saxon *Dun* a Hill, because  
antiently they built chiefly on Hills - thus London is *Lun* Town

*or* *Bea* - a dwelling Place or habitation - e.g. *Deby* - *Saxon* *Bye*

*burgh*, *borough*, *beay*, *bury*, *Ton*, *Don*, ~~that~~ are all significative of Towns built  
on Hills

*near an Abbey* - *whad* - there had been a Battle

*Tord* - near a brook dammed up

*Tor* - among y arable Land

# An Alphabetical TABLE of antient *Surnames*, as they are written in old Records

## A.

**H** *Enricus de Alditheleia* was the first Lord Audley.  
*de Alneto.* Dauncy.  
*de Albo Monasterio.* Whitechurch.  
*de Alta ripa.* Dantry.  
*de Aqua frigida.* Freshwater.  
*Aquapontanus.* Bridgwater.  
*Johannes Avonius.* John of Northampton.  
*Ala Campi.* Wingfield.  
*Anrifaber.* Orfeur, an antient Name in Cumberland.  
*de Anco.* Owe.  
*de Alba Marla.* Albemarle.  
*de Aula.* Hall.  
*de Arida Villa.* Dryton or Drydon.  
*de Aureo Vado.* Guldeford.  
*Albericus & Albrea.* Aubrey.  
*de Arcubus.* Bowes.  
*de Albeneio.* D'Aubency, Albiney.  
*de Adurni portu.* Etherington.

## B.

**R** *Ichardus de Benefactis.* Benfield.  
*Blaunpain, al. Blanpain.* Whitebread.  
*de Bosco.* Bois.  
*de Bella fide.* Beaufoy.  
*de Burgo charo.* Bouchier.  
*de Bello loco.* Beaulieu.  
*de Bello foco.* Beaufeu.  
*de Bello Marisco.* Beaumarsh.  
*de Bosco Roardi.* Borhard.  
*de Bello fago.* Beaufo.  
*de Blofrevilla.* Bloville, Blofeild,  
*de Bello Campo.* Beauchamp.  
*de Bello monte.* Beaumont.  
*de Bovis villa.* Bovil.  
*de Bella aqua Belle.*  
*de Bello prato.* Beaupre.  
*de Buliaco.* Bussi, Buffle. One of this Name founded Blyth-Abby. Anno 1088.  
*Benevolus.* Benlows.  
*de Bello fitu.* Bellafife.  
*de Bona villa.* Bonevil.  
*de Bono Foffato.* Goodrick.

## C.

**R** *Obertus de Casa Dei.* Godshall.  
*de Chauris & Cadurcis.* Chaworth.  
*de Claro Monte.* Clermont.  
*de Cantilupo.* Cantlou.  
*de Curva Spina.* Creithorne.  
*de Claris vallibus.* Clarival.  
*de Capricuria & de Capreolocuria.* Chevercourt.  
*de Caro loco.* Carelieu.  
*de Campo Arnulphi.* Champernoun.  
*de Crepito corde.* Creveceur.  
*de Cerafo.* Cherry.  
*Cunetius.* Kenet.

*Cinomannicus.* Maine.  
*de Clivo forti.* Clifford.  
*de Campania.* Champneis.  
*de Columbaviis.* Columbers.  
*de Conductu.* Chenduit.  
*de Corvo Spina.* Crowthorn.  
*de Cafineto & Chaisneto.* Chedney, Cheney.  
*de Campo Florido.* Chamfleur. Henry *de Campo Florido* was Sheriff of Dorsetshire. 19 Hen. 3.  
*de Capella.* Capel.  
*de Calvo monte.* Chaumont.  
*de Camera.* Chambers.  
*de Clarifagio.* Clerfay.  
*de Cornubia.* Cornewayle.  
*de Cafello magno.* Castlemain.

## D.

**W** *Ilkilmus D'Aynecuria, or Daincurienfis.* Daincourt.  
*Drogo.* (Sax.) Drow.  
*de David villa.* D'aiville, D'eyville.  
*de Doito.* (Fr. Doet.) Brooke.  
*Dutchtius.* Doughty.  
*Dispensator.* Le Despencer, Spencer.  
*de Diva.* Dive, Dives.

## E.

**T** *Ho. de Erolitto, Sheriff of Salop?* Erliche.  
*6 Jobannis.*  
*de Ebroicis & de Ebrois.* D'Evreux.  
*Easterlingus.* Stradling.  
*Extranens.* L' Efrange.  
*de Ericeto.* Briwer.

## F.

**R** *Adulphus de Fonte australi.* Southwel.  
*de Fonte limpido.* Sherburn.  
*de Filiceto.* Fernham.  
*de Foliis.* Foulis.  
*Frefcoburnus.* Freshburne.  
*de Fluſibus.* Flood.  
*de Fontibus.* Welles.  
*de Foffa nova.* Newdike.  
*de Frifca villa.* Fretchevila.  
*Filius Guidonis.* Fitzwith.  
*de Fonte Ebrardi.* Fonteverard.  
*de Fraxino.* Frenc, Ashe.  
*Flavus.* Blund, Blount.  
*de Ferraviis.* Ferrers.  
*de Fago.* Beech and Beecher.  
*de Forti ſcuto.* Fortefcu.

## G.

**J** *Johannes de Grana villa.* Grenvile.  
*de Grentemaisnillo.*  
*de Groſſo venatore.* Groſvenor.  
*de Guntheri ſylvæ.* Gunter.  
*Giovannus.* Young.

# A TABLE of antient SURNAMES.

de Gresso monte. Grifmond.  
de Geneva. Genevil.  
de Genisteto. Bromfield.  
de Grandi villa. Granville.

H.

**H**ofatus & de Hofato. Hofe, Hussey.  
I have seen *Johannes Usus Mare* in Latin,  
for John Hussey.

J.

**J**ohannes de Insula. Lisle.  
de Insula bona. Lislebone.  
de Insula fontis. Lilburne.  
Jodocus. Joice.

K.

**W**illielmus de Kaineto } Keynes.  
alias Caineto }

L.

**R**icardus de Longa spatia. Longspee.  
de Lato campo. Bradfeild.  
de Longo campo. Longchamp.  
de Longo prato. Longmede.  
Lupus. Woolf, Love, Loo.  
Lupellus. Lovet, Lovel.  
de Laga. Lee, Lea and Leigh.  
de Leica & Lecha. Lcke.  
de Lisoriis. Lizurs, Lisors.  
de Logiis. Lodge.  
Laurentii filius. Lawfon.  
de Lato vado. Bradford.

M.

**R**ogerus de Maneriis. Manners.  
de Mineriis. Miners.  
de Marisco. Marsh.  
de Malo lacu. Mauley.  
de Mortuo mari. Mortimer.  
de Monte Canisio. Montchensley.  
de Monasteriis. Musters.  
de Melfa. Mews.  
de Monte Hermerii. Monthermer.  
de Monte fixo. Montfichet.  
de Monte pessons, & de Monte pessulano. Montpess-  
son, vulgo Mompeffon.  
de Molendinis. Molines.  
Monachus. Moigne, Monk.  
Malus lupellus. Maulovel, Mallovel.  
de Monte Fovis, de Monte gaudii. Montjoy.  
de Media villa. Middleton.  
de Malo passu. Malpas.  
Maleconductus, vel de malo conductu. Malduit.  
de Monte alto. Montalt, or Moald.  
de Malo leone. Malleon.  
de Monte begonis. Montbegon.  
Malus leporarius. Maleverer.  
de Musco campo. Muschamp.  
de Misenis. Meschines.  
de Marci vallibus. Martival.  
de Meduana. Maine.  
de Monte forti. Montfort.  
ad Murum. Walton.  
Malus catulus. Malchein, vulgo Machel.  
de Mulo visu. Malvisin.

de Mala terra. Mauland.  
Medicus. Leech.  
Macer. Le Meyre.  
de Malis Manibus. Malmain.  
de Monte.  
de Monte Aquila. Mounteagle.  
de Monte Revelli.  
Magnus Venator. Grosvenor.  
de Montibus.

N.

**G**ilbertus de Nova villa. Nevil.  
de Novo mercatu. Newmarch.  
de Nodariis. Nowres.  
de Novo burgo. Newburgh.  
de Nova terra. Newland.

P.

**G**rimbaldus de pede planco. Pauncefoot.  
de Puteaco. Pusac, vulgo Putsey.  
de Pavilidro & Pauliaco. Paveley.  
de Pittavia. Peyto.  
de Petra ponte. Pierpont, vul. Perpoint.  
de Peccato. Pechc, vul. Pocke.  
de Palude. Puddle, Marsh.  
de Precariis.  
de Porcellis. Purcell.  
de Praeriis. Praers.  
de Parva villa. Littleton.  
Parmentarius. Taylor.  
de Peris.  
de Pulbro Capellitio. Fairfax.  
ad Pontem. Paunton.  
de Plantageneta. Plantagenet.  
Pelliparius. Skinner.  
Le Poure. Power.  
de Perrariis. Perrers.  
de Pascuo lapidoso. Stanley.

Q.

**L**eornardus de Querceto. Cheney.  
de Quinciato. Quincy.

R.

**A**rnoldus de Rupe forti. Rochfort.  
de Rubra Spatha. Rospear, Rouspee, Rooper,  
Roper.  
de Redveriiis, & de Ripariis. Rivers.  
de Rupe. Roche, Rock.  
Reginaldus. Reynolds.  
de Rubro clivo. Radcliff.  
de Rubra manu. Redmain.  
de Regencia. Raleigh.  
Rufus. Rous.  
de Rupe scissa. Cutcliff.  
Rotarius. Wheeler.  
de Rico Monte. Richmond.

S.

**G**alfridus de Sculariis. Scales.  
de Sancto Mauro. Seymour.  
de Sacro fonte. Holybrook.  
de Sicca villa. Sackville.  
de Salicosa vera. Salvein.  
de Sancto Laudo. Senlo.  
de Spineto. Spine.  
Sagittarius. Archer.



# A TABLE of *antient* SURNAMES.

*de Sancta terra.* Holyland.  
*de Sacra quercu.* Holyoak.  
*de Sancta Clara.* Seneleer.  
*de Sancto Medardo.* Semark.  
*de Sancto Amando.* St. Amond.  
*de Sancto Lizio.* Senliz, Seyton.  
*de Sacra fago.* Hollebech.  
*de Sancta Ermina.* Armide.  
*de Sancto Wallerico.* St. Wallere.  
*de Salicosa Alara.* Wilmore.  
*de Stagno.* Poole.  
*de Salchavilla.* Salkeld.  
*de Sancto Vedasto.* Foster.  
*de Stipite fisco.* De la Zouch.  
*de Sancto Leodegario.* St. Leger, *vulgo* Sallenger.  
*de Sancta Barbara.* Senbarb, *vulgo* Simberd.  
*de Sancto Petro.* Sampier.  
*de Sancto Paulo.* Sampol.  
*de Sancto Lupo.* Sentlow.  
*de Santo Martino.* Semarton.  
*de Sancto Gelasio.* Singlis.  
*de Sancto Audoeno.* St. Owen.  
*Super Tysam.* Surteys.  
*de Salso Marisco.* Saltmarsh.  
*de Sacro bosco.* Holywood.  
*de Solariis.* Solers.  
*de Salceto.* Saucey.  
*de Sancto Alemondo.* Salmon.  
*de Saxo ferrato.* Ironston, *vulgo* Ironzon.  
*de Sandwico.* Sandwich.  
*de Saltu Capella.* Sacheverel.  
*de Sylva.* Weld.

T.

**H** *Umfridus de Turpi vado.* Fulford.  
*de Tankardi villa.* Tankerville.  
*de Turbida villa.* Turberville.  
*Teutonicus.* Teys.  
*de Tulka.* Tokc, Tuke.  
*de Tanaia.* Tancy.  
*de parva Turri.* Torcl, Tirrel.

V.

**P** *Etrus de Vallibus.* Vaux.  
*de Veteri ponte.* Vipont.  
*de Valle.* Wale.  
*de Vicariis.* Viccars.  
*de Valle torta.* Vautort.  
*de Villa torta.* Croketon.  
*de Vado boum.* Oxford.  
*de Urtico.* Lorti, Lorr.  
*de Vino saluo.* Vinc Salf.  
*de Vado saxi.* Stanford.  
*de Veteri aula.* Oldhall, Oldham.  
*de Villariis.* Villers.  
*de Umbrosa quercu.* Dimmock.  
*de Villa Magna.* Maudeville.

W.

**M** *Artinus de Watelega.* Wateley, Wheatley.  
*Wambarfarius.*

*Ex. S. M.*  
*6 30 11*

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